**PAYING ELECTED COUNTY OFFICIALS: METHODS OF THE 50 STATES**

West Virginia Law Institute

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**INTRODUCTION**

Elected county officials, also known as “row officers” (or “officers”), serve important roles in every county in the United States. Each state empowers local governments with authority, and the powers delegated to county vary by state-to-state. As a result, county officials are paid differently in each state. States also adjust these salaries differently. Some states delegate considerable power to the counties, while other states keep county official compensation decisions at the state-level. The goal of this research was to analyze the systems that all 50 states have for paying their county officials. This researched focused on a number of issues: what type of system did the state have in place, how are salaries adjusted and who adjusts them, where are the funds paid out from, benefits and downsides to the type of system in place, and any other information pertaining to compensation practices of each state.

In West Virginia, salaries for county officials are set by the state legislature. It is difficult to adjust salaries for county officials. Some county officials are being asked to take on more responsibilities, but these added responsibilities are not reflected in the State’s pay schedules. Fairly recently, West Virginia adopted a compensation committee as a more efficient way of adjusting salaries of state legislators.[[1]](#footnote-1) If West Virginia were to amend its constitution and change the payment structure for county officials, compensation committees, similar to the legislative compensation committee, would be an option the State may consider. This research looks at states with county and state level compensation committees that set and adjust salaries for county officials.

**PROCEDURE**

The key goal of this research was to understand how each state compensates its county officials. Many times, surveys exist that show certain laws in each of the 50 states. A survey that listed the methods of compensation in each state, along with relevant laws, constitutional provisions, and cases would be very helpful with this research. The first part of this research involved searching for any survey or digest with this key information. Research was conducted on legal networks, such as *WestLaw* and *Lexus Nexus*, to see if any such survey actually existed.[[2]](#footnote-2) However, as expected, no survey or digest of the information was located. As a result, the scope of this research became focused on creating a 50 state survey.

The 50 State Survey was created by collecting relevant statutes, constitutional provisions, and other information pertaining to how each state pays its county officials. Most of the statutes and constitutional provisions were found by using *WestLawNext*.[[3]](#footnote-3) The *WestLawNext* database contains the laws of every state, along with cases and secondary material, such as law review articles. Searches are done in *WestLawNext* by typing key terms or phrases in the *WestLawNext* search bar (similar to a typical Internet search), and the database delivers results based off the search terms. Basic Internet searches were also conducted to supplement the information found on *WestLawNext*. At the beginning of the research process, the research focused on analyzing broad topics, such as finding secondary material that could give an overview. The research quickly transformed into researching the laws of each state individually.

When analyzing each state, the relevant constitutional provisions, statutes, cases, and any helpful secondary material, including links to state government sites, were recorded. All of this information was placed in a binder. This process was the most tedious aspect of the research, and it took awhile to look at each state individually. The complexity of searching each state varied. Some states, such as West Virginia, combine key provisions relating to county officials in small sections of the State’s Code, and researching these states did not take much time. However, other states, such as Missouri, scatter relevant provisions throughout the State’s Code, and searching for the important provisions in these types of states took time. In other states, certain functions were “implied” and not even listed in the laws (for example, in Kansas, the power of the county board of commissioners to set officer salaries is an implied power and is not explicitly listed in the Kansas Code). In many circumstances, secondary material was used, which led to relevant statutes and constitutional provisions. Cases were also analyzed in a few states, and often, these cases led to relevant provisions.

After the information for each state was collected, the aspect of the project focused on looking to see how the different systems functioned. The National Association of Counties was a helpful resource during this process, and most states have a state branch of the National Association of Counties. These branches often had attorneys that could explain how that state’s system for paying county officials worked. Some of these attorneys gave an insight to the problems and benefits of their state’s compensation system. Information obtained from some of these interviews is recorded in the Findings section. After all of the information was gathered, the data was reviewed and each state was classified by their compensation system. States were divided into categories based on how each state operates for example, whether the state fixes the salaries for county officials or whether the state gives counties authority to set salaries).

At the end of the research process, all of the information gathered was placed into a survey (see page 15). The Survey contains the following information for every state: the state’s method of payment (classification), a summary of how the system functions in the state, relevant constitutional provisions (if applicable), relevant statutory provisions with short descriptions of each provision, and contact information to the state’s branch of the National Association of Counties. Hopefully, this survey is a helpful tool for further research in this area.

**FINDINGS**

The method each state uses to pay its county officials varies. In some states, the state legislature determines the compensation or sets strict guidelines to how officials will be paid (and also setting requirements for adjustments). In other states, the state gives deference to the individual counties to determine the compensation of their officers. It was found that states could be grouped into one of seven groups:

1. States where the salaries are fixed by the state legislature.
2. States where the salaries are fixed by the county legislative body.
3. States where the state sets a base salary, but the county legislative body determines the salary as long as the salary did not fall below the state’s base.
4. States where the state sets a maximum salary, but the county legislative body determines the salary as long as the salary did not exceed the state’s ceiling.
5. States where the state sets both a minimum and maximum salary, but the county legislative body determines the salary that falls within this range.
6. States with no consistent system: State outlines various terms for different counties and officers. These states are referred to as “Hybrid” states and act as the “catch-all” of states that could be classified in groups 1 through 5.
7. States where there is not a strong county form of government and, instead, utilize a municipal system of government.

The category containing the most states was the section where salaries are fixed by the county legislative body, and twenty-one states fell in this category. There were nine states in the category where the state fixes the salaries, and there were also nine states in the category where the state sets a minimum salary and the county determines the salary as long as it meets the state’s base. In addition, there were four “Hybrid” states, three states where the state sets both the minimum and maximum salaries, and two states where the state sets maximum salaries. Finally, there were two states that did not have a true county government. In terms of geography, there was not much of a correlation of the location of a state and its method of paying county officials. In the Northeast, however, some of the states have stronger municipal governments and less of a focus on county government. In the Northwest, two of the states (Oregon and Montana) utilize compensation commissions, and the State of Washington uses a commission for determining salaries for county commissioners and council members. One prevalent trend is that most counties, no matter the method, pay their officers out of the county treasury, although there are exceptions. Other than these trends, states in all categories were randomly scattered throughout the United States. There also did not appear to be much of a correlation between the size or population of the state and the method it uses to pay county officials. Listed below is the breakdown of each category (a detailed breakdown of each county is in the 50 State Survey):

50 State Breakdown:

\*Counties in State Utilize Compensation Boards

\*\*State Legislature Utilizes Compensation Board

Salaries Fixed by State Legislature (9 states):

* Arizona
* Colorado\*\*
* Florida
* Massachusetts
* Mississippi
* New Mexico
* Ohio
* Vermont
* West Virginia

Salaries Fixed by County Legislative Body (21 states):

* Alaska
* California
* Delaware
* Hawai’i\*
* Idaho
* Indiana
* Iowa\*
* Kansas
* Maine
* Michigan\*
* Minnesota
* Montana\*
* New Hampshire
* New Jersey
* New York
* North Carolina
* Oregon\*
* South Carolina
* Texas[[4]](#footnote-4)
* Utah
* Wisconsin

**Deference Given to Counties Based on Limitations Set by State**:

State Sets Base Salaries, County Legislative Body Determines Salaries (9 states):

* Georgia
* Nebraska
* Nevada
* North Dakota
* Pennsylvania
* South Dakota
* Tennessee
* Virginia\*\*
* Washington

State sets Maximum Salaries, County Legislative Body Determines Salaries (2 states):

* Kentucky
* Louisiana

State Sets a Minimum and Maximum Salary; County Legislative Body Determines Salary (3 states):

* Arkansas
* Oklahoma
* Wyoming\*

“Hybrid” States - - Depending on Officer, State or County Determines Salary (4 states):

* Alabama
* Illinois
* Maryland
* Missouri\*

States With Municipal System of Government instead of County Government (2 states):

* Connecticut
* Rhode Island

**Section 1 - Salaries Fixed by State Legislature**:

States where the state legislature fixes the salaries of county officials usually classify counties into groups, based either on population or assessed valuation. These states list each officer in the classification and the amount the officer gets compensated. The state legislature adjusts any salaries unless the state builds in longevity and adjustments of salary into its code. One benefit of this approach is uniformity. Unlike states that allow counties to adjust salaries up or down during the annual budget process, officers in this category do not have to worry about a salary decrease mid-term. There is also less politics involved, at least at the local level. However, a downside to this method is that it may lead to over or under compensation. Even though these states attempt to classify counties into groups with similar populations or valuation, the duties of officers may significantly differ (as is the case in West Virginia). For instance, County A and County B have similar populations and the state assigns both counties the same classification. However, crime in County A is much higher than in County B, and the sheriff in County A has more responsibilities than the sheriff in County B. These sheriffs still make the same compensation (not including longevity) because of the county’s classification. There may also be issues in adjusting salaries. One problem in states that do not allow for in-term increases or decreases of an official’s salary is that any salary adjustment by the state will not affect an incumbent official and will only benefit the newly elected officials. Officials in Ohio, like other states where salaries are fixed, get increases based on the Consumer Price Index.[[5]](#footnote-5)

States, like West Virginia, have attempted to combat these problems by awarding county officials extra compensation for additional duties. Florida, for example, has created a formula to determine the salaries of officials. If states, like West Virginia, were to change their practices, there would have to be a constitutional amendment. Ohio in the 1990’s proposed changing their laws to where the county commissioners would determine the salaries for the counties, but county officials rallied against this, believing it would make the process too political at the local level.[[6]](#footnote-6)

**Section 2 - Salaries Fixed by County Legislative Body**:

States in this section have given deference to the individual counties to determine salaries of county officials. Most of these states have statutes that explicitly grant counties this power, but the power is implied in states such as Kansas and New Hampshire. In most of these states, the county legislative body determines salaries and adjustments. However, Hawai’i, Iowa, Michigan, Montana, and Oregon utilize compensation commissions to assist the county legislative body. The compensation commissions in Montana and Michigan actually set the salaries, not the county legislative body.[[7]](#footnote-7) The benefit of this method is that counties know and understand their needs better than the state does. Setting salaries for officials is one aspect of the budget process, and counties must be responsible with this power. Theoretically, it is easier for a county to institute changes than it is for the other classifications because the county has sole power to do so, as long as any adjustments are within the county’s budget. However, the process is extremely political. In some counties, it is difficult to get pay raises for county officials because of the political backlash.[[8]](#footnote-8) One key feature is that many of the states in this category apply “home rule,” where the state gives local government deference to make laws, except those explicitly passed by the state or federal level. These states do not have the limitations as the states in other categories do.

**Section 3 – Deference Given to Counties Based on Limitations Set by the State**

States that fall under this section set certain restrictions, but vest counties authority to determine the actual salaries of officials. Most of the states in this section categorize counties based on population and set base salaries for each officer of that classification, but give counties power to supplement salaries. This method insures that officials are not being paid below an amount the state deems is too low, but at the same time, allows the county to determine the officer’s salary based on the county’s needs and budget. Many of these base salaries are listed in schedules in the states’ codes, similarly to how the fixed salaries are listed in the codes of states falling within section 1. Two states, Kentucky and Louisiana, set maximum limits to how much an officer may get paid. In Kentucky, this is a provision in the State’s constitution, and any increases in salary are based on the Consumer Price Index.[[9]](#footnote-9) Three states (Arkansas, Oklahoma, and Wyoming) set a range for compensation, where the state classifies counties based on population or valuation and lists a minimum and maximum salary an officer can make for that classification, and the county has the power to set an appropriate salary that falls within this range.

There is also a group of states referred to as “Hybrid” states: Alabama, Illinois, Maryland, and Missouri. These states cannot be classified with the other groups because they fit multiple descriptions. For instance, in Alabama, depending on the county officer, the salary is either fixed by the state, fixed by the county, or is a salary where the State set a minimum amount while allowing the county to determine the full amount.[[10]](#footnote-10) The same is true in Maryland where the Code lists different provisions depending on each county. For example, in Maryland, the Code in the sheriff’s section sets a base salary to be paid for the Sheriff of County A, but fixes the salary of sheriff in County B.[[11]](#footnote-11) Provisions are not consistent county by county, and the state gives deference to counties in some circumstances, but fixes salaries in other. In Illinois, most of the salaries are set by the county. The State sets a base salary for numerous county officials, but also gives the county powers to determine compensation of other officials without a base rate from the state.[[12]](#footnote-12) Missouri is similar to the other states listed here, and its code contains a large number of provisions for its county officers.

**Section 4 – Compensation Commissions**

Certain states allow counties to utilize compensation commissions. The purpose behind these commissions is usually the same: to analyze the salaries of county officials and compare the salaries to other officials in the state and in private business to see whether there needs to be an adjustment. In most states where compensation commissions are utilized, the state has set statutory guidelines for the compensation commissions. Such guidelines include the number of members, how the members are appointed, how often the commission meets, the term of each member, whether the members are compensated, what constitutes a majority to pass a recommendation, and the members’ duties.

The size of these boards vary, ranging anywhere from three to thirteen members. The state’s requirement for how members are appointed also varies from state-to-state. For instance, for Iowa’s seven member commission, two members are appointed by the county board of supervisors and the remaining members are appointed from each officer of the county.[[13]](#footnote-13) Meanwhile, Montana requires its county commissioners to actually serve on the board, along with two to four resident taxpayers, three of the county’s officials appointed by the board of commissioners, and one resident appointed by each of the three county officials appointed.[[14]](#footnote-14) Other methods may be used to appoint members in other states, such as allowing the county governing board to appoint all members (Oregon) or authorizing the chairperson of the county board to appoint the members subject to the county governing board’s approval (Michigan).[[15]](#footnote-15) Some of the states also attach a requirement that these members be “knowledgeable in personnel and compensation management.”[[16]](#footnote-16)

Most of these commissions appear to meet annually, although Michigan’s commissions only meet every even numbered year.[[17]](#footnote-17) States set a fixed number of years members serve on these commissions (usually four years), and the state also attempts to stagger the terms of serving members. Members of these commissions are usually not compensated, but the state typically sets provisions allowing the board to be reimbursed by the county for any expenses. All commissions require a majority to pass a recommendation or salary schedule. Montana requires that at least two of the three county commissioners serving on the compensation commission vote with the majority on the matter.[[18]](#footnote-18) The duties of the members in the commissions are the same: to analyze the current salaries of county officials and compare them to other salaries based on officer’s workload and responsibilities. One of the possible rationales for having this type of system is that it avoids a legislative body of being bogged down with this type of responsibility.

States may also set provisions on whether or not the commissions can recommend a reduction in salaries. Some states constitutionally protect officers from salary reductions. However, some of the states with compensation committees allow for increases or reductions on a year to year basis. In Iowa, most of the complaints with the system appear to come from officials whose salaries were reduced.[[19]](#footnote-19) Even though this is a straightforward process with an outside board making these decisions, the process is still very political.[[20]](#footnote-20)

The State of Washington utilizes a compensation board for determining compensation for county commissioners and council members. The members serving on Washington’s salary commission consists of six members chosen by the county auditor, plus four members chosen by the county commissioners, and all members must have experience with business, personnel management, the law, or organized labor.[[21]](#footnote-21) Compensation commissions are also utilized in Hawai’i and in Missouri for certain counties. Likely, any county with full deference from the state to set salaries may decide to utilize a compensation commission.

Two states have a state level compensation commission: Colorado and Virginia. The State of Colorado determines the salaries for its county officials, but a compensation commission assists the Colorado General Assembly. Colorado’s commission is similar to the commissions described in this section, except it is state-based and compares salaries with officials in other states.[[22]](#footnote-22) The members on Colorado’s commission are appointed by both the President of the Senate and Speaker of the House, consisting of 13 members: one member that is an officer in a county in the state, two employees of county departments of personnel and human resources, and three members of the general public.[[23]](#footnote-23) This commission submits a report every four years to the General Assembly with recommendations based on a “sound and systematic” analysis.

Virginia’s system is different than any other state. Virginia classifies certain county officials as “Constitutional” officers. A portion of these salaries are paid by the State.[[24]](#footnote-24) Virginia’s compensation board determines the amount of funds the State will pay and positions available to all Constitutional officers.[[25]](#footnote-25) Officers affected by the board’s ruling may appeal the decision by requesting a hearing in front of a three judge council.[[26]](#footnote-26) Counties have the authority to supplement officer salaries in Virginia, but this board works under the state legislature.

**CONCLUSION:**

The practices of the states vary when it comes to determining county officer compensation. The majority of states grant their counties deference in determining salaries of county officials. Many states set statutory guidelines on the amount counties can pay county officials. A minority of states, including West Virginia, fall into the category of where the state determines and adjusts compensation. In addition, a handful of states utilize compensation boards, usually at the local level but some at the state level, to have a board of appointed members study and determine appropriate compensation levels for its officials. All of the methods have benefits. For instance, when states fix salaries, there is uniformity and much of the local political process is removed. When counties fix salaries, the county best understands its needs, budget, and duties of the officers in that county. Each method also contains downsides: such as difficulty adjusting at the state level or political pressure when counties set salaries.

**50 STATE SURVEY**

**ALABAMA**

Method: “Hybrid” State - - Depending on Officer, State or County Determines Salary

Summary: The State sets minimum salaries for certain officers (such as sheriff, county commissions, judges of probate), and the county commissioners set salaries for the other officers (such as treasurer, engineer, surveyor). The State sets the salary of tax assessors.

Relevant Constitutional Provision: **Alabama Constitution Art. IV, § 68.01** [state legislature or county cannot adjust salary of an officer elected to a fixed term of office]

Relevant Statutory Provisions:

* **Alabama Code § 11-2A-1** [sets the classifications of counties based on 6 categories of population]
* **Alabama Code § 11-2A-2** [state sets minimum salary of sheriff; minimum salaries of county commissioners and judges of probate are provided by local law; county commission is authorized to provide an expense allowance to tax assessors]
* **Alabama Code § 11-2A-3** [sets additional compensation for county commission chairperson and judges of probate in counties of certain classifications]
* **Alabama Code § 11-2A-4** [certain county officials (sheriff, county commissioners, judges of probate, assessors) are entitled to uniform increases in compensation (such as cost-of-living increases, longevity, merit raises, and bonuses) that are granted by the county commission at county budget]
* **Alabama Code § 11-2A-4** [State sets a minimum salary and a maximum salary for members of county commissioners and commission chairperson]
* **Alabama Code § 11-4-24** [compensation of treasurer set by county commission based on state guidelines]
* **Alabama Code § 11-6-1** [county commission selects a county engineer and sets salary]
* **Alabama Code § 11-7-12** [county commission sets salary of county surveyor]
* **Alabama Code § 40-6A-2** [State sets compensation of county tax assessor, tax collectors, revenue commissioners, license commissioners based on population of the county]

Contact Information: Association of County Commissions of Alabama (334) 263-7594

**ALASKA**

Method: Salaries Fixed by County (“Borough”) Legislative Body

Summary: Alaska is a home rule state and gives its cities and boroughs many powers, including the authority to determine the salaries of elected officials.

Relevant Constitutional Provisions:

* **Alaska Constitution Art. X, § 3** [State Legislature has power to classify boroughs and prescribe their powers and functions]
* **Alaska Constitution Art. X, § 3** [“The governing body of the organized borough shall be the assembly, and its compensation shall be established by law or charter.”]

Relevant Statutory Provision: **Alaska Statute §29.20.620** [“The governing body shall by ordinance provide a method of determining the salaries of elected officials. . . .”]

Contact Information: Alaska Municipal League (907) 586-1325

**ARIZONA**:

Method: Salaries Fixed by State Legislature

Summary: The State divides counties into two categories based on population: counties with population more than 500,000 and counties with a population less than 500,000. The statute then lists the salaries for each county official in the population classification.

Relevant Constitutional Provision: **Arizona Constitution Art. XII, § 4** [“The duties, powers, and qualifications of such officers shall be as prescribed by law. . . .”]

Relevant Statutory Provisions:

* **Ariz. Rev. Stat. Ann. § 11-419** [sets the schedule of salaries for the 7 county officials; there are two sets of schedules: salaries of officers in counties with a population over 500,000 and salaries of officers in counties of a population of under 500,000]
* **Ariz. Rev. Stat. Ann. § 11-561** [A county board of supervisors appoints and sets the salary for the county engineer]
* **Ariz. Rev. Stat. Ann. § 11-422** [A county board of supervisors appoints and sets the salary for the clerk of the board of supervisors]

Contact Information: Arizona Association of Counties (602) 252-5521

**ARKANSAS**

Method: State Sets a Minimum and Maximum Salary; County Legislative Body Determines Salary

Summary: Salaries are fixed by the county Quorum Court. The State divides the counties into seven classes based on population. For each officer of the county, the state sets both a minimum and maximum salary based on the county’s classification. The quorum court then fixes a salary for the officer within the State’s limitations.

Relevant Constitutional Provision: **Arkansas Constitution Amendment LV, § 5** [“Compensation of each county officer shall be fixed by the Quorum Court within a minimum and maximum to be determined by law. Compensation may not be decreased during a current term . . . “]

Relevant Statutory Provision: **Arkansas Code § 14-14-1204** [“The quorum court of each county shall fix by ordinance the annual salaries of the following county officers within the minimums and maximums provided in this section: (1) The county judge; (2) The sheriff and ex officio collector of taxes; (3) The collector of taxes, where established by law; (4) The circuit clerk; (5) The county clerk, where established by law; (6) The assessor; (7) The treasurer; (8) The coroner; and(9) The surveyor.”] (statute also sets classifications of counties based on population and lists the minimum and maximum salaries for each officer listed)

Contact Information: Association of Arkansas Counties (501) 372-7550

**CALIFORNIA**

Method: Salaries Fixed by County Legislative Body

Summary: The State vests the counties with the power to provide compensation of its elected officials. Salaries are paid out of the county treasury.

Relevant Constitutional Provisions:

* **Cal. Const. art. XI, § 1** [governing body of each county proscribes salary for county officials by ordinance, but is subject to referendum (and limitations of Section (b) of Art. XI, § 4)]
* **Cal. Const. art. XI, § 4** [Counties with charters shall provide for the compensation, terms, and removal of members of governing body; sets out the functions of officers (sheriff, district attorney, assessor, other officers)]

Relevant Statutory Provisions:

* **California Government Code § 25300** [“The board of supervisors shall prescribe the compensation of all county officers and shall provide for the number, compensation, tenure, appointment and conditions of employment of county employees. . . .”]
* **California Government Code § 28000** [Salaries are paid out of the county treasury]

Contact Information: California State Association of Counties (916) 327-7500

**COLORADO**

Method: Salaries Fixed by State Legislature (State Legislature utilizes Compensation Board)

Summary: In accordance with the Colorado Constitution, the General Assembly fixes the compensation of county officers. These salaries are based on the variations of population, assessed valuation, building permits, and other factors. The State utilizes a “County Elected Officials’ Salary Commission,” consisting of 13 members: 12 of which are appointed by the Senate President and Speaker of the House, plus one member appointed by the executive of the Department of Local Affairs. This Commission studies the salaries of all county elected officials, their responsibilities and scope of authority, the level of difficulty in performing duties, the time it takes to perform the duties, and current salaries of comparable positions in private/public employment. The commission submits a report with their recommendations to the General Assembly.

Relevant Constitutional Provision: **Colorado Constitution Art. XIV, § 15** [“The general assembly shall fix the compensation of county officers in this state . . . The compensation of any county officer shall be increased or decreased only when the compensation of all county officers within the same county, or when the compensation for the same county officer within the several counties of the state, is increased or decreased.”]

Relevant Statutory Provisions:

* **Colorado Revised Statute § 30-2-101** [State classifies counties for providing and regulating compensation, except counties with home rule]
* **Colorado Revised Statute § 30-2-102** [State classifies counties into one of 6 different categories and bases salaries on these categories; statute fixes salaries for county commissioners, sheriffs, treasurers, assessors, clerk and recorders, coroners, and surveyors]
* **C.R.S. § 30-2-102** also includes provisions that state that officer cannot have his/her salary increased or decreased during term of office; statute also states that the county commissioners have power to adjust salaries pro rata of officers working part time
* **Colorado Revised Statute § 30-2-108** [county commissions may provide addtional compensation for coroners performing post-mortem examinations]
* **Colorado Revised Statute § 30-3-101** [Intent and goals of state to create independent compensation commission to see that compensation of officers accurately reflects duties and responsibilities]
* **Colorado Revised Statute § 30-3-103** [establishment of elected officials’ salary commission; 13 members appointed (12 by President of the Senate/ Speaker of the House): 7 members representing the elected officials (a County commissioner, sheriff, clerk/recorder, assessor, treasurer, coroner, and surveyor); 2 members that are; employees of county departments of personnel or human resources; 3 members of the general public; and 1 member appointed by the executive director of the department of local affairs. (statute further explains how these positions are appointed if the President of the Senate and Speaker of the House do not agree on appointments)]
* **Colorado Revised Statute § 30-3-104** [Commission may meet as often as necessary; no compensation for commission members]
* **Colorado Revised Statute § 30-3-105** [“The Commission shall study: (a) The salaries paid to county elected officials; (b) The responsibilities of each county elected official and the scope of authority of the entity in which the official serves; (c) The relative level of difficulty in performing the duties of each county elected official; (d) The amount of time directly or indirectly related to the performance of the duties, functions, and services of each county elected official; and (e) The current levels of salaries for comparable employment in other places of public and private employment in competitive labor markets.]
* **C.R.S. § 30-3-105** also describes the process of the commission; The commission shall submit a report to the state general assembly that “shall contain recommendations of the commission as to the appropriate levels of salaries to be paid to county elected officials in each category of county as set forth in section 30-2-102 for the biennial period following the submission of the report and any additional facts and information in the judgment of the commission that are relevant to this determination.”

Contact Information: Colorado Counties, Inc. (303) 861-2818

**DELAWARE**

Method: Salaries Fixed by County Legislative Body

Summary: The counties of Delaware have the power to determine salaries of county officials. Delaware only has 3 counties: Kent, New Caste, and Sussex. The Code contains different provisions for each county.

Relevant Statutory Provisions:

* **Delaware Code title 9, § 1144** [sets annual salary of New Castle County Counsel members and president; salary may be changed by ordinance or upon a recommendation by the county compensation commission]
* **Delaware Code title 9, § 1113** [sets minimum salary for County Executive of New Castle County]
* **Delaware Code title 9, § 4104** [the elected officials of Kent County “shall receive a salary in an amount to be set by ordinance of the Kent County Levy Court”]
* **Delaware Code title 9, § 9306** [The Kent County Comptroller shall by set by ordinance of the Kent County Levy Court]
* **Delaware Code title 9, § 9402** [Clerks of the Peace (“CoP”): New Castle CoP fixed by county government; Kent County CoP set by County Levy Court; Sussex County CoP set by ordinance of the Sussex County Council]
* **Delaware Code title 9, § 9602** [Recorders: New Castle County Recorder fixed by county government; Kent County Recorder set by Levy Court; Sussex County Recorder set by Sussex County Council]

Contact Information: Delaware Association of Counties (302) 645-0432

**FLORIDA**

Method: Salaries Fixed by State Legislature

Summary: The State sets salaries of county officials by formula: a base salary is provided by statute based on a population range. A “group rate” is also provided. The group rate is multiplied by the difference between the county’s population and the minimum population level the county falls in. This number is then added to the base rate, which equals the salary for the county official.

Relevant Constitutional Provision: **Florida Constitution art. II, § 5(c)** [“The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.”]

Relevant Statutory Provisions:

* **Florida Statute § 145.011** [intent of legislature: (2) “The Legislature has determined that a ***uniform*** and not arbitrary and discriminatory salary law is needed to replace the haphazard, preferential, inequitable, and probably unconstitutional local law method of paying elected county officers. . . .” (salary schedules based on classification of counties according to their populations)]
* **Florida Statute § 145.012** [section applies to all officials in the counties, except those officials whose salaries are not set by Legislature because of a county home rule charter]
* **Florida Statute § 145.031** [sets salaries for county commissioners; statute lists a population range, a base rate, and a group rate multiplier; salary is determined by multiplying the population in excess of the minimum for the grouping times the group rate and adding to the base salary; officer may reduce salary on own basis]
* **Florida Statute § 145.051** [sets salaries for clerk of circuit court and comptroller; statute lists a population range, a base rate, and a group rate multiplier; salary is determined by multiplying the population in excess of the minimum for the grouping times the group rate and adding to the base salary; officer may reduce salary on own basis]
* **Florida Statute § 145.071** [sets salaries for sheriffs; statute lists a population range, a base rate, and a group rate multiplier; salary is determined by multiplying the population in excess of the minimum for the grouping times the group rate and adding to the base salary; officer may reduce salary on own basis]
* **§ §** **145.09** (supervisor of elections), **145.10 (property appraiser), 145.11 (tax collecter),**

Contact Information: Florida Association of Counties (850) 922-4300

**GEORGIA**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries

Summary: The minimum salaries of county officials are fixed according to the population of the county by the State. The counties have the power to supplement these salaries.

Relevant Constitutional Provision: **Georgia Constitution Art. IX, § 1, ¶ III** [“Minimum compensation for [county officials] may be established by the General Assembly by general law. Such minimum compensation may be supplemented by local law . . .”]

Relevant Statutory Provisions:

* **Georgia Code § 15-16-20** [sets minimum annual salaries of sheriffs; county may supplement]
* **Georgia Code § 15-16-19** [sheriffs can only receive compensation that is fixed by law, no fees, fines, forfeitures, costs, commissions, etc.]
* **Georgia Code § 15-9-63** [sets minimum annual salaries of judges of probate; county may supplement]
* **Georgia Code § 15-9-64** [judges of probate receive additional salary if handle traffic cases]
* **Georgia Code § 15-9-65** [judges of probate receive longevity pay; statute outlines how to calculate this]
* **Georgia Code § 48-5-183** [sets minimum salaries of tax collector]
* **Georgia Code § 48-5-180** [tax collector and receive may be provided commissions as outlined in this statute (lists rate of commission based on bracket of net digest amount collected)]

Contact Information: Association County Commissioners of Georgia (404) 522-5022

**HAWAI’I**

Method: Salaries Fixed by County Legislative Body (Counties utilize compensation committee)

Summary: With the exception of the compensation of county council members (determined by statute), counties have power to determine salaries of appointed/elected county officials. The Hawai’i Supreme Court has held that “[e]ach [county] should be allowed to dictate salaries for exempt positions without legislative interference; the final authority on the reasonableness of these salaries should rest with the people of each county and not with the legislature. *City & County of Honolulu v. Ariyoshi*, 689 P.2d 757, 766 (Ha. 1984).

Relevant Constitutional Provisions: **Hawai’i Constitution Art. VIII, §§ 1 & 2** [local governments have “home rule” powers]

Relevant Statutory Provisions:

* **Hawai’i Revised Statute § 46-22** [each county shall fix the salaries for its officials]
* **Hawai’i Revised Statute § 46-22.1** [state sets compensation for county council members and chairperson; divided into counties over 100,000 people and counties below 100,000 people]
* **Hawai’i Revised Statute § 46-23** [salaries of department heads are set by county council]

Contact Information: Hawaii State Association of Counties (808) 270-7760

**IDAHO**

Method: Salaries Fixed by County Legislative Body

Summary: Each county has a board of commissioners, consisting of three members, that sets the salaries of each officer of that county.

Relevant Constitutional Provision: **Idaho Constitution Art. XVIII, § 7** [“All county officers and deputies when allowed, shall receive, as full compensation for their services, fixed annual salaries, to be paid monthly out of the county treasury . . .”]

Relevant Statutory Provisions:

* **Idaho Code § 31-3106** [“It shall be the duty of the board of county commissioners of each county, through the county budget process . . . to fix the annual salaries of the several county officers . . . .”]
* **Idaho Code § 31-3101** [salaries paid monthly from county treasury]

Contact Information: Idaho Association of Counties (208) 345-9126

**ILLINOIS**

Method: “Hybrid” State - - Depending on Officer, State or County Determines Salary

Summary: The State sets numerous guidelines to setting salaries for county officials, such as setting minimum salaries counties can pay certain officials based on the county’s population. Some counties are “home rule” counties and other counties may have more deference to set the salaries of county officials. Cook County (Chicago) for instance, is treated differently than the rest of the counties in the Code. For the most part, the counties have deference to set the salaries, as long as the salaries are in accordance to the state’s restrictions/ minimums.

Relevant Constitutional Provisions:

* **Illinois Constitution Art. VII, § 2** [Counties with population over 25,000 people may exercise home rule if they so choose; Section (f) states “home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.”]
* **Illinois Constitution Art. VII, § 4** [describes officers in each county; county has power to eliminate some officers but not others]
* Under the power of **Ill. Const. art. VII, § 4**, a “County board could fix compensation of all county officers for which the [Illinois] Constitution made no other provision.” *People ex rel Nauert v. Smith*, 327 Ill. 11 (Ill. 1927).
* **Illinois Constitution Art. VII, § 9** [“(b) An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected.”]

Relevant Statutory Provisions:

* **Illinois ST CH 55 § 5/4-1001** [Classifies counties into one of 3 classes based on population]
* **Illinois ST CH 55 § 5/4-2001** [sets compensation of state’s attorney based on population; most salaries are determined by the Compensation Review Board; state pays 2/3rd of state attorney’s salary, county pays 1/3rd of salary]
* **Illinois ST CH 55 § 5/4-3001** [sets compensation for state’s attorney of Cook County; set base salary when provision was passed; compensation determined by Compensation Review Board]
* **Illinois ST CH 55 § 5/4-6001** [sets minimum salaries of officers (Coroners, treasurers, clerks, recorders, and auditors) in counties of less than 2,000,000 people; divides provisions of this section by population]
* **Illinois ST CH 55 § 5/4-6002** [county board sets salary of coroners based on state minimum limitations]
* **Illinois ST CH 55 § 5/4-6003** [county board sets salary of sheriffs based on state minimum limitations]
* **Illinois ST CH 55 § 5/4-9001** [County commissioners receive an annual salary that is fixed by the county board; commissioners in counties organized under Division 2-4 shall not receive a salary that is greater than the county clerk]
* **Illinois ST CH 55 § 5/4-9001** [County board members shall receive compensation fixed by the county board; compensation must be set before the general election at which county board members are elected]
* **Note:** In **Division 3-14** of the Code, there are separate provisions for Cook County (Chicago), where many of the compensation of Cook County officials are paid by Cook County Board of Commissioners]

Contact Information: United Counties Council of Illinois (217) 544-5585; Illinois Association of County Board members (217) 528-5331

**INDIANA**

Method: Salaries Fixed by County Legislative Body

Summary: The county fiscal body determines the salaries of the county’s officers. The officers can file with the county auditor a statement asking for an increase in compensation, the auditor presents this statement prior to the county budget being passed to the county executive, and the county executive makes recommendation to county fiscal body. No salaries for elected officers can be adjusted for the year the salary is fixed.

Relevant Statutory Provisions:

* **Indiana Code § 36-2-5-3** [“The county fiscal body shall fix the compensation of officers, deputies, and other employees whose compensation is payable from the county general fund . . . . This includes the power to: (1) fix the number of officers, deputies, and other employees; (2) describe and classify positions and services; (3) adopt schedules of compensation; and (4) hire or contract with persons to assist in the development of schedules of compensation.”]
* **Indiana Code § 36-2-5-4** [“(a) Before July 2 of each year, each officer, board, commission, and agency subject to this chapter shall file with the county auditor a statement that shows in detail the positions for which compensation will be requested in the annual budget for the next year and the amount or rate of compensation proposed for each full-time or part-time position.”] (county auditor presents these statements and county executive reviews the statements to make recommendations to county fiscal body)
* **Indiana Code § 36-2-5-13** [compensation of elected official cannot be changed in the year it is fixed; compensation of other officers and employees may be changed at any time (statute sets out this procedure, involving county fiscal body)]
* **Indiana Code § 36-2-13-2.8** [A county may chose to pay sheriffs under a contract in Section 2.5 or under this Chapter; under this chapter the fiscal body must pay sheriff salaries that are a certain percentage of the county prosecuting attorney, determined by population and listed in this section]
* **Indiana Code § 33-39-6-5** [sets limitations for the salaries of county prosecuting attorneys; section separates county prosecutors by population, bases minimum salaries on percentage of salary that circuit judge would receive in county]

Contact Information: Association of Indiana Counties (317) 684-3710

**IOWA**

Method: County Salaries Fixed by County Legislative Body (Counties utilize compensation committee)

Summary: Each county has a compensation board consisting of 7 members appointed by the officers of the county. These members serve a four-year, staggered term, receive no compensation, and are asked to review the compensation of officers in other counties and states, plus employees in private enterprise, to see if any changes need to be made in the board’s county. The compensation board submits its findings to the county board of supervisors (the county governing body), who then review the recommendations and determine the final compensation schedules for the elected officers.

Relevant Statutory Provisions:

* **Iowa Code § 331.907(1)** [“The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. . . . The county compensation board shall prepare a compensation schedule for the elective county officers for the succeeding fiscal year. A recommended compensation schedule requires a majority vote of the membership of the county compensation board.”]
* **Iowa Code § 331.907(2)** [“At the public hearing held on the county budget as provided in section 331.434, the county compensation board shall submit its recommended compensation schedule for the next fiscal year to the board of supervisors for inclusion in the county budget. The board of supervisors shall review the recommended compensation schedule for the elected county officers and determine the final compensation schedule which shall not exceed the compensation schedule recommended by the county compensation board. . . .” (if salaries are reduced, they must be at an equal percentage; a copy of final compensation schedule is filed with county budget office and takes effect July 1st following its adoption by the board of supervisors)]
* **Iowa Code § 331.907(3)** [“The of supervisors may adopt a decrease in compensation paid to supervisors irrespective of the county compensation board's recommended compensation schedule or other approved changes in compensation paid to other elected county officers. . . .”]
* **Note:** Salaries of sheriff and county attorney are payable from the county’s general fund (under **§ 331.907**) and not to be paid out of the court expense fund. Op.Atty.Gen. 1948, p. 224.
* **Iowa Code § 331.905(1)** [County Compensation Board; composed of 7 members who are residents of county; members selected as follows: 2 members appointed by county board of supervisors, and 1 member appointed by each of the county officers (auditor, attorney, recorder, treasurer, and sheriff)]
* **Iowa Code § 331.905(2)** [Members of compensation board are appointed to four-year staggered terms of office; members cannot be officers, employees of the state, or employees of a political subdivision of the state]
* **Iowa Code § 331.905(3-6)** [Members on compensation board receive no compensation; board of supervisors must provide necessary office facilities; county pays any expenses from general fund]

Contact Information: Iowa State Association of Counties (515) 244-7181

**KANSAS**

Method: Salaries Fixed by County Legislative Body

Summary: The authority of the board of county commissioners to set the salaries of county elected officials is implied. The Kansas Code is divided into three sections: statutes for counties with a population of 100,000 or less, counties with a population of 130,000 to 185,000, and counties with a population of over 300,000. Many of the laws regarding to county officers have been repealed (suggesting that guidelines relating to salaries were once listed in the Code but the State has repealed these laws).

Relevant Statutory Provisions:

* **Kansas Statute § 28-825** [County commissioners shall determine and establish the salaries of appointed county officers]
* **Kansas Statute § 28-613** [County auditor receives a salary determined by the district court in county’s judicial district] (relevant to counties with population over 300,000)
* **Kansas Statute § 28-615** [County engineer is appointed by board of county commissioners and receives a salary fixed by the county commissioners; salaries paid from the county road and bridge fund] (relevant to counties with population over 300,000)
* **Kansas Statute § 28-620** [salaries for counties with population over 300,000 are paid out of the county treasury in equal monthly installments]
* **Kansas Statute § 28-622** [County commissioners in counties with population over 300,000 have power to “provide by resolution between August 1 and September 1 of any year in which a general election falls for an increase of not to exceed five percent (5%) per annum in the compensation and salary of any employee of the county entitled thereto by reason of the employee job classification and merit rating system of such county. . . .”]
* **Kansas Statute § 28-716** [In counties with a population between 185,000 and 250,000, the county commissioners are authorized “to levy an additional tax of not to exceed six mills, to provide for salaries of officials and employees and other expenses as provided by law . . . .”]

Contact Information: Kansas Association of Counties (785) 272-2585

**KENTUCKY**

Method: State sets Maximum Salaries, County Legislative Body Determines Salaries

Summary: The State sets the maximum salary each county officer can receive. The state adjusts these maximum salaries using the Consumer Price Index. The county fiscal court determines the salary, below or at the state’s maximum level, the officer will receive.

Relevant Constitutional Provision: Kentucky Constitution § 246 [state shall set limits on the salaries to be paid to officers in the state; base rates are from 1949, adjusted throughout time]

Relevant Statutory Provisions:

* **Kentucky Revised Statute 64.5275** [establishes a salary schedule for county judges/executives, county clerks, jailers who operate full-service jails, and sheriffs in all counties; schedules based upon the population of the county] (statute also provides for increments in pay raises)
* **Kentucky Revised Statute 64.535** [“The county judge/executive, clerk, jailer who operates a full service jail, and sheriff shall each receive a monthly salary of one-twelfth (1/12) of the amount indicated by the salary schedule in KRS 64.5275”]
* **Kentucky Revised Statute 64.530(1)** [with the exception of officers listed in KRS § 64.535, sheriff, county attorney, and justice of the peace, the fiscal court fixes the salaries of the officers]
* **Kentucky Revised Statute 64.530(6)** [compensation of the justices of the peace must be set by each May and may not be changed for the year; Fiscal courts can pay justices of the peace $300 per month extra for serving on committees of the fiscal court]
* **Kentucky Revised Statute 64.527** [state adjusts maximum salaries by the consumer price index]
* **Kentucky Revised Statute 67.050** [Voters can decide whether or not to have a county commissioner form of fiscal court, and can chose to elect county commissioners; salary schedules]
* **Kentucky Revised Statute 64.345** [County clerks in counties with population over 70,000 receive an annual salary paid out of the state treasury; amount allocated to the clerks for their salaries, their clerks’ salaries, and offices expenses may not exceed 75% of the amount paid to the department]
* **Kentucky Revised Statute 64.530** [In counties with less than a population of 70,000, the fiscal court must annually fix the maximum amount clerk spends for deputies and assistants.]
* **Kentucky Revised Statute 64.185** [coroners must be paid monthly out of the county or urban-county treasury at rate set by the fiscal court]

Contact Information: Kentucky Association of Counties (502) 223-7667

**LOUISIANA**

Method: State sets Maximum Salaries, County (Parish) Legislative Body Determines Salaries

Summary: The State sets maximum salaries for certain officers, while fixing the salaries of district attorneys in the parishes (Louisiana has “parish” system instead of “county” system). Louisiana is a home rule state, so local governments have considerable deference.]

Relevant Constitutional Provisions:

* **Louisiana Constitution art. VI, § 12** [“The compensation or method of fixing the compensation of an elected official of any local governmental subdivision which operates under a home rule charter or plan of government, as provided in Sections 4 and 5 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of an elected official of any other local governmental subdivision shall be provided by law. Compensation of a local official shall not be reduced during the term for which he is elected.”]
* **Louisiana Constitution art. VI, § 4** [local governments may continue home rule power]
* **Louisiana Constitution art. VI, § 5** [local governments may adopt or amend a home rule charter]

Relevant Statutory Provisions:

* **Louisiana Revised Statute § 47:1907** [sets maximum compensation schedules for parish assessors based on population; lists other provisions relating to duties of assessors]
* **Louisiana Revised Statute § 13:782** [“Clerks of district courts of the various parishes shall establish their own rates of annual compensation for their services, payable out of the clerk's salary fund, which rates shall not exceed the [schedule of maximum compensation to clerks]]
* **Louisiana Revised Statute § 13:5521** [“The rate of annual compensation for all services required of sheriffs and ex officio tax collectors of the various parishes, including the civil and criminal sheriffs for the parish of Orleans, may only be increased by legislative act.”; sheriff granted 10% of salary as expense allowance]
* **Louisiana Revised Statute § 16:10** [“The annual salary of the several district attorneys throughout the state of Louisiana is hereby fixed at fifty thousand dollars payable monthly by the state treasurer upon the warrant of the district attorney.”]

Contact Information: Police Jury Association of Louisiana (225) 343-2835

**MAINE**

Method: Salaries Fixed by County Legislative Body

Summary: The State sets certain limitations but gives deference to the counties. County commissioners have power to determine salaries of certain officials, such as county administrator and sheriff.

Relevant Statutory Provisions:

* **Maine Revised Statute tit. 30-A, § 51** [sets salaries for county commissioners; commissioners may be paid by county treasury weekly, biweekly, monthly, semiannually or annually]
* **Maine Revised Statute tit. 30-A, § 2** [“Each county shall pay the salaries and expenses of bailiffs and other court and jury officers who work for courts located in that county. The Judicial Department shall compensate each county for these salaries and expenses . . . .”]
* **Maine Revised Statute tit. 30-A, § 154** [“County treasurers shall receive annual salaries as set forth in section 2. The deputy treasurer shall receive an annual salary as established by the treasurer and approved by the county commissioners.”]
* **Maine Revised Statute tit. 30-A, § 373** [“The board of county commissioners of each county, through the county budget process, shall set the base salary for the county sheriff.” the salary of sheriff must be set prior to election of new sheriff by board of commissioners; salary may not be reduced during sheriff’s term other than malfeasance, misfeasance, neglect, etc.]
* **Maine Revised Statute tit. 30-A, § 82** [“The county commissioners shall determine the compensation of the county administrator”]
* **Maine Revised Statute tit. 33, § 604** [“Registers of deeds in the several counties shall receive annual salaries as set forth in Title 30-A, section 2.”]

Contact Information: Maine County Commissioners Association (207) 623-4697

**MARYLAND**

Method: “Hybrid” State - - Depending on Officer, State or County Determines Salary

Summary: For many officers in Maryland counties, the State fixes their salaries. However, as a home rule state, the State allows counties to choose their form of government, and the salaries of some of these county officers are determined by the county’s governing body. The State has separate provisions relating to each individual county, and the methods of setting salaries in each county vary.

Relevant Constitutional Provisions:

* **Maryland Constitution art. VII, § 2** [“The number, compensation, and powers and duties of the County Commissioners of each county not governed by Article XI-A of this Constitution shall be such as now are or may be hereafter prescribed by law.”]
* **Maryland Constitution art. 11-A, § 3** [authorizes counties to adopt home rule charters]

Relevant Statutory Provisions:

* **Maryland Code art. 25, § 3** [County commissioners have power to “fix the allowance or compensation to the sheriff” or jailor of the county]
* **Maryland Code art. 25, § 51** [statute lists each individual county, statute fixes salary of treasurer of specific county]
* **Maryland Code art. 25, § 5** [Charter counties have the enumerated expressed power to appoint/remove county officials (with exceptions), to fix qualifications and terms, and to fix its compensation]
* **Maryland Code, Cts. & Jud. Proc. § 2-309** [This section is broken down by each county in State and explains how sheriffs in each county are compensated; in some counties, the county commission sets the compensation of sheriffs, in others, the state sets a fixed schedule (there are a variety of methods Maryland counties pay sheriffs)]
* **Note:** for the county attorney, there is a separate statutory provision for each county which outlines how the county attorney gets compensated (See Subtitle 4 of Title 15 of Maryland Criminal Procedure)
* **Md. Code, Est. & Trusts § 2-205** [salary for Register of Wills is fixed by Board of Public Works; state sets maximum annual salary amounts]

Contact Information: Maryland Association of Counties (410) 269-0043

**MASSACHUSETTS**

Method: Salaries Fixed by State Legislature

Summary: The State fixes the salaries for the officers of each county.

Relevant Statutory Provisions:

* **Massachusetts General Laws ch. 37, § 17** [state sets fixed salary of sheriffs by listing what sheriffs are paid in each county; sheriff may receive addition salary if acts as keeper of jails]
* **Massachusetts General Laws ch. 34, § 5** [state fixes compensation of county commissioners in each county (statute lists each county and gives how much the commissioner in that county makes)]
* **Massachusetts General Laws ch. 36, § 33** [state fixes salaries of the Register of Deeds as a percentage of the associate justice or clerk of the superior court; depending on the county]

Contact Information: Massachusetts Association of County Commissioners (781) 461-6105

**MICHIGAN**

Method: Salaries Fixed by County Legislative Body (counties may utilize compensation board)

Summary: The State vests power in the board of commissioners of each county to fix the salaries of the county officers. The counties also have authority to adopt a compensation commission, and this commission determines the salaries of the county officers.

Relevant Constitutional Provision: **Michigan Constitution art. VII, § 9** [“Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.”]

Relevant Statutory Provisions:

* **Michigan Compiled Laws § 45.401(1)** [“The county board of commissioners of each county in this state may direct the payment to the sheriff, under-sheriff, and deputy sheriffs and to the county clerk, county treasurer, register of deeds, and their deputies out of the general fund in the treasury of the county, salaries as the board considers proper. The salaries may be fixed and determined by the county board of commissioners at its annual meeting held in October before the commencement of the terms of the officers. . . However, this section shall not apply to a county now operating under a local or special act, until the local or special act is repealed.”]
* **Michigan Compiled Laws § 45.401(2)** [“[A] county which has a county officers compensation commission, the compensation of each nonjudicial elected officer of the county shall be determined by that commission. A change in compensation for those officers of a county which has a county officers compensation commission shall commence at the beginning of the first odd numbered year after the determination is made by the county officers compensation commission and is not rejected.”]
* **Michigan Compiled Laws § 45.421** [salary of each county officer is fixed by county board of commissioners cannot be diminished during officer’s term but may be increased; Any change in compensation for a county using compensation commission commences at the beginning of the first odd year after the change in salary is determined by the commission]
* **Michigan Compiled Laws § 45.471** [“A county board of commissioners may establish a county officers compensation commission to determine the compensation for the non-judicial elected officials of the county. . . .”]
* **Michigan Compiled Laws § 45.472** [a county compensation committee consists of 7, registered elector members of the county; county commissioners appoint members; term for members is 4 years; no member can be in any legislative, judicial, or executive branch of government (a person with an immediate family member in a government branch can also not be appointed)]
* **Michigan Compiled Laws § 45.474** [the compensation commission elects a chairperson among its members; members receive no compensation but are entitled to actual and necessary expenses]

Contact Information: Michigan Association of Counties (517) 372-5374

**MINNESOTA**

Method: Salaries Fixed by County Legislative Body

Summary: The county board sets by resolution the salary and intervals of payment to the county officials. Larger counties have separate provisions, and the boards in some larger counties have power to appoint the officers of that county.

Relevant Statutory Provisions:

* **Minnesota Statute § 375.01** [each county has 5 commissioners that make up the county board; except larger counties specifically listed in statute have 7 commissioners]
* **Minnesota Statute § 375.055** [commissioner in most counties can receive compensation plus per diem payments/ reimbursements set by resolution of county board]
* **Minnesota Statute § 375.065** [any member of the county board that is paid over 50% of what the governor makes may not be paid extra amount extra (including per diems but not including reimbursement for expenses)]
* **Minnesota Statute § 384.151** [county auditor; county board sets by resolution the salary and intervals of payment; additional compensation may be provided for additional duties; if officer is not satisfied, may appeal to the district court on the grounds “that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive, or in unreasonable disregard for the responsibilities and duties of said office, and the [officer’s] experience, qualifications, and performance.”] (only applicable to counties under 70,000 people)
* **Minnesota Statute § 385.373** [treasurer; county board sets by resolution the salary and intervals of payment; . . . (same language as § 384.151)] (only applicable to counties under 70,000 people)
* **Minnesota Statute § 386.015** [recorder; county board sets by resolution the salary and intervals of payment; . . . (same language as § 384.151)] (only applicable to counties under 70,000 people)
* **Minnesota Statute § 387.20** [sheriff; county board sets by resolution the salary and intervals of payment; . . . (same language as § 384.151)] (only applicable to counties under 70,000 people)
* **Minnesota Statute § 388.18** [attorney; county board sets by resolution the salary and intervals of payment of the county attorney; this section also sets minimum schedules for full time county attorneys]
* **Minnesota Statute § 389.03** [Surveyor; county board fixes compensation of county surveyor and their deputies]
* **Note: § 388.18** and **§ 389.03** apply to all counties, regardless of population
* **Minnesota Statute § 382.20** [“When the salary or clerk hire of any county officer shall be decreased during the term for which elected because of a reduction in the net tax capacity of the county the board of county commissioners are hereby authorized to fix such salary and clerk hire in an amount equal to that received prior to the reduction in the net tax capacity of the county.”]
* Note: The state has created separate provisions for its larger counties (such as Hennepin County (Minneapolis)); many of the larger counties appoint officials instead of electing them]

Contact Information: Association of Minnesota Counties (651) 224-3344

**MISSISSIPPI**

Method: Salaries Fixed by State Legislature

Summary: The State determines fixed salaries for certain officers based on the population of county. For other officers, the state sets a maximum that can be paid to officers (such as prosecutor). The salaries for the county board of supervisors are based on overall valuation of the county.

Relevant Constitutional Provision: **Mississippi Constitution art. V, § 135** [must be a sheriff, coroner, assessor, tax collector, and surveyor for each county; legislature shall fix their compensation]

Relevant Statutory Provisions:

* **Mississippi Code § 25-3-2** [elected county official’s salary cannot be reduced during term]
* **Mississippi Code § 25-3-7** [assessors paid one-fourth of salary from state treasury]
* **Mississippi Code § 25-3-9(1)** [county Prosecutor; state sets maximum salaries based on population]
* **Mississippi Code § 25-3-9(2)** [county Prosecutor; statute sets out exceptions to Section 1]
* **Mississippi Code § 25-3-13** [board of supervisors; salaries based upon the total assessed valuation of the county for the preceding taxable year; statute lists a schedule]
* **Mississippi Code § 25-3-19** [auditor; state sets a fixed salary for auditors]
* **Mississippi Code § 25-3-25** [sheriffs; salaries are fixed based on the population of county, broken down in this section; sheriffs may receive a stipend for added duties]
* **Mississippi Code § 25-3-29** [salaries are paid monthly out of the general county fund; salaries included in county’s budget]
* **Mississippi Code § 19-4-3** [county administrator; holds office “at the pleasure of the board of supervisors . . . . He shall be paid a salary to be fixed by the board of supervisors which may be paid from the county general fund or from the proceeds of any tax levied by the board of supervisors for the support and maintenance of any unit of county government.”]
* **Mississippi Code § 19-19-8** [constables; paid by county same amount as “riding bailiffs”]

Contact Information: Mississippi Association of Supervisors (601) 353-2741

**MISSOURI**

Method: “Hybrid” State - - Depending on Officer, State or County Determines Salary (Non-Chartered counties utilize salary commissions)

Summary: The State sets the base salaries paid to each county official based on assessed valuation. Every non-chartered county has a salary commission made up of the county’s elected officials that determines salary of county officials and whether there should be an increase in salary, a decrease in salary (requiring 2/3rd vote), or a cost of living adjustment applicable to all officials of the county. The Missouri Constitution allows for different forms of county government, and some counties adopt the charter form of government, which grants the county council both executive and legislative powers. Also, larger, more populated counties have separate provisions.

Relevant Constitutional Provisions:

* **Missouri Constitution art. VI, § 8** [divides counties into classifications]
* **Missouri Constitution art. VII, § 13** [“The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended.”]

Relevant Statutory Provisions:

* **Missouri Statute § 48.020** [all counties are classified into one of four classifications based on overall assessed valuation of the county; these classifications are necessary for purposes of organization]
* **Missouri Statute § 49.082** [county commissioners; “A county commissioner in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall, subject to any other adjustment otherwise provided in this section, receive an annual salary computed as set forth in the following schedule.” (schedule given; salaries based on assessed valuation of county)]
* **Missouri Statute § 50.327** [(most of the following sections of code are considered the “base” salaries for county official position); “the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.”]
* **Missouri Statute § 50.333** [every Non-chartered county has a salary commission made up of the county’s elected officials (who receive no compensation for this commission); commission meets every two years to establish salaries for elected positions of county; any raise in salary does not take effect until start of next term of any office; prosecuting attorney and sheriff are voting members but their statutes determined under different state statutes] (note: this is a very long, detailed provision; this section sets out in detail the process and requirements of these salary commissions)
* **Missouri Statute § 50.334** [Recorders, clerk, auditor, collector, treasurer, assessor, or salaried public administrator: (same counties apply as in § 49.082); schedule gives salary based on assessed valuation of county]
* **Missouri Statute § 50.343** [applicable to St. Charles, Clay, Jefferson, and Green Counties: “Other provisions of law to the contrary notwithstanding, in any first classification nonchartered county, including any county containing any part of a city with a population of three hundred thousand or more, the annual salary of a county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor or salaried public administrator may be computed on an assessed valuation basis, without regard to modification due to the existence of enterprise zones or financing under chapter 100, as set forth in the following schedule . . . .” (schedule based on county valuation given)]
* **Missouri Statute § 51.281** [county clerks (except first class classification; schedules based on county valuation]
* **Missouri Statute § 51.282** [county clerks in Clay County; schedule based on valuation]
* **Missouri Statute § 52.269** [county collector; schedule determined by valuation]
* **Missouri Statute § 53.082** [assessor; schedule determined by valuation]
* **Missouri Statute § 53.083** [assessor of Clay County, how salary computed]
* **Missouri Statute § 54.261** [treasurer; computing compensation based on valuation of certain classification of counties (containing higher population)]
* **Missouri Statute § 54.320** [collector-treasurer; compensation based on valuation in township counties]
* **Missouri Statute § 55.091** [auditor of Clay County, how salary computed]
* **Missouri Statute § 56.265** [prosecutors in non-chartered counties; full time prosecutors receive same compensation as an associate circuit judge; part-time prosecutors’ salaries are based on valuation schedule]
* **Missouri Statute § 57.317** [sheriffs in non-chartered counties; compensation based on valuation schedule]
* **Missouri Statute § 58.095** [coroners in non-chartered counties; compensation based on valuation schedule]
* **Missouri Statute § 473.742** [county administrator; different options counties may take with administrator position and methods of payment]
* Note: First-class counties may become charter counties; which has a county executive model government. These counties divide legislative and executive authority between the county council and the elected county executive.

Contact Information: Missouri Association of Counties (573) 634-2120

**MONTANA**

Method: Salaries Fixed by County Legislative Body (Counties utilize compensation board)

Summary: The compensation commission of the county, made up of county officials, commissioners, and taxpayers, determines the schedules for the county officials each year.

Relevant Constitutional Provision: **Montana Constitution art. XI, § 3** [lists county officials; powers given to counties and board of commissioners]

Relevant Statutory Provisions:

* **Montana Code § 7-4-2502** [county commissions determines when salaries are paid; salaries paid out of county general fund]
* **Montana Code § 7-4-2503(1)** [“The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, county sheriff, county surveyor . . . justice of the peace, county coroner, and county auditor in all counties in which the office is authorized must be established by the county governing body based upon the recommendations of the county compensation board provided for in subsection (4).” (salaries must be uniform)]
* **Montana Code § 7-4-2503(2)** [sheriff receives longevity payment; clerk, recorder, and treasurer may receive additional salary based on other duties; coroner may be a part-time position]
* **Montana Code § 7-4-2503(3)** [county attorney salary determined by compensation board]
* **Montana Code § 7-4-2503(4)** [compensation board consists of: 3 county commissioners, 3 of the county’s officials appointed by the board of county commissioners, the county attorney, 2 to 4 resident taxpayers appointed initially by the board of county commissions, and (not mandatory) 1 resident taxpayer appointed by each of the three county officials appointed]
* **§ 7-4-2503(4)**: the board holds hearings annually for purposes of reviewing compensation paid to the officials, looks at comparable officials in other Montana counties, other states, federal/state government positions, and private enterprise; the board prepares a compensation schedule for following year and recommends compensation schedule (requires a majority vote with at least 2 commissioners on the majority)

Contact Information: Montana Association of Counties (406) 444-4360

**NEBRASKA**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries

Summary: The State classifies counties based on population. The State sets minimum salaries for officers in each classification. The county board determines the salaries of the officers of each county, paid out of the county fund.

Relevant Statutory Provisions:

* **Nebraska Revised Statute § 23-1114** [“The salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.”]
* **Nebraska Revised Statute § 23-1114.01** [counties are classified based on population; 7 classifications]
* **Nebraska Revised Statute § 23-1114.02** [sets minimum salary for county clerk, treasurer, sheriff, attorney, and full-time veterans service officer in Class 1 counties, paid out of the general fund]
* **Nebraska Revised Statute § 23-1114.03** [sets minimum salary for county clerk, assessor, treasurer, sheriff, attorney, full-time veterans service officer, and clerk of the district court, in Class 2 counties, paid out of the general fund]
* **Nebraska Revised Statute § 23-1114.04** [sets minimum salary for county clerk, assessor, treasurer, sheriff, attorney, full-time veterans service officer, and clerk of the district court, in Class 3 counties, paid out of the general fund]
* **Nebraska Revised Statute § 23-1114.05** [sets minimum salary for county clerk, register of deeds, assessor, treasurer, sheriff, attorney, full-time veterans service officer, and clerk of the district court, in Class 4 counties, paid out of the general fund]
* **Nebraska Revised Statute § 23-1114.06** [sets minimum salary for county clerk, register of deeds, assessor, treasurer, sheriff, attorney, full-time veterans service officer, and clerk of the district court, in Class 5 counties, paid out of the general fund]
* **Nebraska Revised Statute § 23-1114.07** [“Members of the county board shall set their own annual salary to be paid out of the general fund. Salaries of other officers, including appointive full-time veterans service officers, in counties of Class 6 or 7 shall be established by the county board, except that the county assessor in counties of Class 7 shall receive a minimum annual salary of twenty thousand dollars, to be paid periodically as other county employees out of the general fund.”]
* **Nebraska Revised Statute § 23-1206.01** [sets provisions for county attorney]
* **Nebraska Revised Statute § 23-1405** [counties with comptroller decide comptroller’s salary by the county board]

Contact Information: Nebraska Association of County Officials (402) 434-5660

**NEVADA**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries

Summary: The State sets base salaries for all elected county officers. The State also determines longevity pay for officers. County commissioners have authority to determine their own pay.

Relevant Constitutional Provision: **Nevada Constitution art. IV, § 32** [“The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties and compensation. . . .”]

Relevant Statutory Provisions:

* **Nevada Revised Statute § 245.043** [sets the salaries for elected officers of each county (district attorney, sheriff, county clerk, county assessor, county recorder, county treasurer, and public administrator); statute lists each county and amount each official receives during the specific fiscal year]
* Note: under **§ 245.045**, county commissioners can set their own pay, but the legislature sets the maximum amount commissioners can receive
* **Nevada Revised Statute § 245.044** [elected officers that have served for more than 4 years are entitled to an additional salary of 2% of his or her base salary for the fiscal year]
* **Nevada Revised Statute § 245.045** [“Boards of county commissioners have authority to fix the salaries of all appointive county officers and employees by the enactment of ordinances or the adoption of resolutions”]
* **Nevada Revised Statute § 245.050** [“All county officers and regular and temporary employees of the counties are entitled to be paid their salaries as fixed by law, ordinance or resolution either at regular 2-week intervals or in two equal semimonthly payments”]
* **Nevada Revised Statute § 255.060** [“Surveyor is paid by Board of County commissioners of county either salary set by the board or fair and reasonable compensation in connection with each survey ordered by the board”]

Contact Information: Nevada Association of Counties (775) 883-7863

**NEW HAMPSHIRE**

Method: Salaries Fixed by County Legislative Body

Summary: Everything is decided county-by-county in New Hampshire. No county officer position is a full time position, and officers are paid a stipend determined by the county legislative body.

Relevant Statutory Provisions: [very few provisions relating to county officers]

* **New Hampshire Revised Statute § 23:8** [county sets salary for its register of deeds at a fixed dollar value]
* **New Hampshire Revised Statute § 24:1** [County Conventions]

Contact Information: New Hampshire Association of Counties (603) 224-9222

**NEW JERSEY**

Method: Salaries Fixed by County Legislative Body

Summary: The board of freeholders of the counties fixes salaries of county officers.

Relevant Statutory Provisions:

* **New Jersey Statute § 40A:9-10** [“Except as otherwise provided by law, the board of chosen freeholders of the county or the governing body of the municipality shall fix the amount of salary, wages or other compensation to be paid to county and municipal officers and employees unless they are to serve without compensation.”]
* **New Jersey Statute § 40A:9-10.1** [“The board of chosen freeholders of any county or the governing body of any municipality may enter into a contract with any officer or employee of the county or municipality, as the case may be, to perform the duties of his office, position or employment at a lesser salary, wage or compensation than otherwise fixed and when the contract shall be entered into, it shall control the amount of such salary.”]

Contact Information: New Jersey Association of Counties (609) 394-3467

**NEW MEXICO**

Method: Salaries Fixed by State Legislature

Summary: The State classifies counties based on assessed valuation and sets the maximum compensation for elected officers in each classification. The county board of commissioners may provide for salary increases, as long as the increases do not conflict with the state’s ceiling.

Relevant Constitutional Provision: **New Mexico Constitution art. X, § 1** [“The legislature shall at its first session classify the counties and fix salaries for all county officers, which shall also apply to those elected at the first election under this constitution. And no county officer shall receive to his own use any fees or emoluments other than the annual salary provided by law, and all fees earned by any officer shall be by him collected and paid into the treasury of the county.”]

Relevant Statutory Provisions:

* **New Mexico Statute § 4-44-1** [counties are classified based on assessed valuation and population]
* **New Mexico Statute § 4-44-2** [secretary of finance and administration determines classification based on assessed valuation and population of county on biennial basis and notifies county commission]
* **New Mexico Statute § 4-44-3** [counties classified as “H” counties are those counties that cover less than 200 square miles]
* **New Mexico Statute § 4-44-4** [sets salary limits for county commissioners, treasurer, assessor, sheriff, county clerk, and probate judge in Class A counties]
* **New Mexico Statute § 4-44-4.1** [sets salary limits for county commissioners, treasurer, assessor, sheriff, county clerk, and probate judge in Class B counties with an assessed valuation over $300 million]
* **New Mexico Statute § 4-44-5** [sets salary limits for county commissioners, treasurer, assessor, sheriff, county clerk, and probate judge in Class B counties with an assessed valuation under $300 million]
* **New Mexico Statute § 4-44-6** [sets salary limits for county commissioners, treasurer, assessor, sheriff, county clerk, and probate judge in Class C counties]
* **New Mexico Statute § 4-44-7** [sets salary limits for county commissioners, treasurer, assessor, sheriff, county clerk, and probate judge in First Class counties with valuation between $27 million and $45 million]
* **New Mexico Statute § 4-44-7** [sets salary limits for county commissioners, treasurer, assessor, sheriff, county clerk, and probate judge in First Class counties with valuation under $27 million]
* **New Mexico Statute § 4-44-12.1** [“If any officer of a county receives a salary increase as permitted under this act, all other officers in that county shall receive a salary increase of an equal percentage”]
* **New Mexico Statute § 4-44-12.3** [majority of board of county commissioners may provide for salary increases, but must provide for equitable salary increases and increases do not take effect until new term of office]
* **New Mexico Statute § 4-44-14** [sets salary for Class H county officers]
* **New Mexico Statute § 4-38-17** [“Boards of county commissioners are authorized to levy a tax on all taxable property in the county for general county purposes, including salaries and expenses of county officers, deputies and employees, subject to maximum rates provided by law. Proceeds of the tax shall be allocated to appropriate funds, budgeted and expended as provided by law.”]

Contact Information: New Mexico Association of Counties (505) 983-2101

**NEW YORK**

Method: Salaries Fixed by County Legislative Body

Summary: The county board of supervisors has authority to set salaries of all county officers. New York is a home rule state, and counties may adopt home rule, which has separate provisions relating to county government.

Relevant Constitutional Provision: **New York Constitution art. IX, § 2** [lays out home rule functions of local government; “[L]ocal government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to the following subjects, whether or not they relate to the property, affairs or government of such local government, except to the extent that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government: (1) The powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers . . . .”]

Relevant Statutory Provisions:

* **New York County Law § 201** [“[E]ach board of supervisors shall fix the salary of all officers paid from county funds, except the members of the judiciary.” ; salary set for fixed term and may not be increased or decreased during term of office and paid out of county treasury (there are exceptions within Home Rule provision Section 24(h))]
* **New York County Law § 200** [board of supervisors in each county have power to fix the compensation of its members for serves rendered to county; chairman, majority leader, and minority leader may receive additional salary; members may receive per diem compensation as well]
* **New York Municipal Home Rule Law § 24(h)** [“In the case of . . . a county, increases the salary of an elective officer or of an officer appointed for a fixed term, during his term of office, except where any such increase by a county is made in accordance with a schedule providing higher rates of compensation through additional increments of salary based on time service, which schedule or applicable amendment thereof was in existence prior to the commencement of such term of office.”]

Contact Information: New York State Association of Counties (518) 465-1473

**NORTH CAROLINA**

Method: Salaries Fixed by County Legislative Body

Summary: The board of county commissioners determines salaries. If commissioners decide to reduce salary of county officer, the reduction cannot take effect during the term of office for which the incumbent officer has been elected (unless officer agrees).

Relevant Statutory Provisions:

* **North Carolina General Statute § 153A-92(a)** [“Subject to the limitations set forth in subsection (b) of this section, the board of commissioners shall fix or approve the schedule of pay, expense allowances, and other compensation of all county officers and employees, whether elected or appointed, and may adopt position classification plans.”]
* **North Carolina General Statute § 153A-92(b)** [“[C]ommissioners may not reduce the salary . . . if the reduction is to take effect during the term of office for which the incumbent officer has been elected . . . .”; section outlines how commissioners may reduce salary (reduction takes effect when new officer takes office, the elected officer must approve of the reduction; superior court judge acts as arbitrator if commissioners and officer cannot agree to salary)
* **North Carolina General Statute § 153A-95** [commissioners have power to create personnel boards]
* **North Carolina General Statute § 128-13** [“Every clerk of the superior court, register of deeds, sheriff, coroner, surveyor, or other county officer, whose compensation or services performed shall be derived from fees . . . .”]

Contact Information: North Carolina Association of County Commissioners (919) 715-2893

**NORTH DAKOTA**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries

Summary: The State sets minimum salaries based on the county’s population. The board of county commissioners has authority to fix and increase officer salaries.

Relevant Statutory Provisions:

* **North Dakota Century Code § 11-10-10(1)** [salary of elected official regulated by county’s population]
* **North Dakota Century Code § 11-10-10(2)** [sets minimum salaries for elected county auditor, county treasurer, county superintendent of schools, recorder, and sheriff in counties based on population; allows for additional compensation of $100 for each 1,000 people over 8,000]
* **North Dakota Century Code § 11-10-10(3)** [“The board of county commissioners of any county may, by resolution, increase the salary of any full-time county official provided in this section, if, in the judgment of such board, by reason of duties performed, the official merits the increase. The salary of a county official may not be reduced during the official's term of office. . . .”]
* **North Dakota Century Code § 11-10-10(4)** [“Each county commissioner may receive an annual salary or per diem as provided by resolution of the board.”]
* **North Dakota Century Code § 11-10-10(5)** [sets minimum salary for sheriff, based on population]
* **North Dakota Century Code § 11-10-10(6)** [sets minimum salary for county attorney]
* **North Dakota Century Code § 11-10-10.1** [Intent regarding Salaries: “It is the intent of the legislative assembly that the several boards of county commissioners shall exercise the responsibility of setting the salaries of county officials within the limits imposed by section 11-10-10. [Commissioners] should take into account the financial status of the county, the responsibilities of the position, and any factors that the board deems relevant in arriving at the decision.”]

Contact Information: North Dakota Association of Counties (701) 328-7300

**OHIO**

Method: Salaries Fixed by State Legislature

Summary: The State sets and adjusts salaries for county officials. The State adjusts salaries based on the consumer price index.

Relevant Constitutional Provision: **Ohio Constitution art. II, § 20** [“The General Assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.”]

Relevant Statutory Provisions:

* **Ohio Revised Code § 325.01** [salaries paid monthly or semimonthly out of the county’s fund]
* **Ohio Revised Code § 325.03** [sets compensation for county auditor; salary based on population]
* **Ohio Revised Code § 325.04** [sets compensation for county treasurer; salary based on population]
* **Ohio Revised Code § 325.06** [sets compensation for sheriff; salary based on population; sheriff entitled to additional compensation for workload (1/8th salary set by state)]
* **Ohio Revised Code § 325.07** [allowances for sheriffs allowed by county commissioners]
* **Ohio Revised Code § 325.08** [sets compensation for clerks of courts of common pleas; salary based on population]
* **Ohio Revised Code § 325.09** [sets compensation for county recorder; salary based on population]
* **Ohio Revised Code § 325.10** [sets compensation for county commissioners; salary based on population]
* **Ohio Revised Code § 325.11** [sets compensation for county prosecuting attorney; salary based on population]
* **Ohio Revised Code § 325.14** [sets compensation for county engineers; salary based on population]
* **Ohio Revised Code § 325.15** [sets compensation for county coroner; salary based on population]
* **Ohio Revised Code § 325.18** [salary increases are based on consumer price index]
* **Ohio Revised Code § 325.04** [sets compensation for county treasurer; salary based on population]

Contact Information: Association of County Commissioners of Oklahoma (405) 524-3200

**OKLAHOMA**

Method: State Sets a Minimum and Maximum Salary; County Legislative Body Determines Salary

Summary: Oklahoma divides its counties into one of two categories: counties that approve ad valorem tax exemption and counties that do not. The State sets minimum and maximum levels of compensation, and the county commissioners have authority to determine salary within State’s limits. The State outlines implementation of increases in salary based on county’s valuation and population.

Relevant Constitutional Provision: **Oklahoma Constitution Schedule § 18** [“Until otherwise provided by law, the terms, duties, powers, qualifications, and salary and compensation of all county and township officers, not otherwise provided by this Constitution, shall be as now provided by the laws of the Territory of Oklahoma for like named officers. . . .” (sections also sets salaries for attorneys and judges of county court)]

Relevant Statutory Provisions:

* **Oklahoma Statute tit. 19, § 148** [salaries of county officers based on population]
* **Oklahoma Statute tit. 19, § 153** [salaries paid either monthly or twice a month out of the county treasury]
* **Oklahoma Statute tit. 19, § 180.58(A)** [“Sections 180.58 through 180.68 of this title shall apply to all counties which do not approve an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution.”]
* **Oklahoma Statute tit. 19, § 180.58(B)** [intent of state to provide uniform schedules fixing salaries and future increases based on: county’s revenue, services to be performed, the value of such services, and the amounts of services required]
* **Oklahoma Statute tit. 19, § 180.58(C)** [“The Legislature has determined that the foregoing bases of such schedule gradations generally are cognate to the combination of the following factors: 1. The net valuation of all tangible taxable property of the county (total taxable valuation less homestead exemption allowances) . . . and 2. The population of the county, hereinafter referred to as the “service-load”. The application of said factors properly establishes a rational and relevant formula for uniformity of salaries and wages and of future increases and decreases thereof.”]
* **Oklahoma Statute tit. 19, § 180.59** [“The net total tangible property valuation for ad valorem tax purposes in each county, or service-ability factor, shall be determined from the county assessor's certificate of such valuations as filed with the excise board of the county for purpose of computation of ad valorem tax levies of each year, and no subsequent amendments thereto to effect an increase in such valuations shall have any effect for such year whatsoever.”]
* **Oklahoma Statute tit. 19, § 180.62** [State sets minimum and maximum salary for county officers; board of county commissioners can set salaries within the State’s limits] (for counties not approving ad valorem tax exemption)
* **Oklahoma Statute tit. 19, § 180.63** [State sets fixed process of increasing salaries based on net valuation and population increases] (for counties not approving ad valorem tax exemption)
* **Oklahoma Statute tit. 19, § 180.71** [“Sections 180.71 through 180.83 of this title shall apply to all counties which approve an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution. . . .”]
* **Oklahoma Statute tit. 19, § 180.72** [population of each county is considered the county’s “service load factor”]
* **Oklahoma Statute tit. 19, § 180.74** [State sets minimum and maximum salary for county officers; board of county commissioners can set salaries within the State’s limits] (for counties approving ad valorem tax exemption)
* **Oklahoma Statute tit. 19, § 180.75** [State sets fixed process of increasing salaries based on county’s service factor] (for counties approving ad valorem tax exemption)
* **Oklahoma Statute tit. 19, § 180.77** [salaries cannot be increased or decreased during officer’s term] (for counties approving ad valorem tax exemption)

Contact Information: Association of County Commissioners of Oklahoma (405) 524-3200

**OREGON**

Method: Salaries Fixed by County Legislative Body (counties utilize compensation board)

Summary: The governing body of each county sets the compensation of its members. Oregon counties utilize compensation boards to study and recommend appropriate compensation schedules. The compensation board submits its recommended compensation schedule to the county board.

Relevant Statutory Provisions:

* **Oregon Revised Statute § 204.112(1)** [“Each county governing body shall appoint a county compensation board. A county compensation board shall consist of from three to five members, who are knowledgeable in personnel and compensation management.”]
* **Oregon Revised Statute § 204.112(2)** [“The county compensation board shall annually recommend a compensation schedule for the county elective officers . . . .”]
* **Oregon Revised Statute § 204.112(3)** [compensation board looks at comparable compensation in Oregon and in private business; board takes into account various factors (i.e. duties and responsibilities); board approves and recommends by majority vote compensation schedule; submits recommended compensation schedule to county body]
* **Oregon Revised Statute § 204.112(4)** [“[The] sheriff's salary shall be fixed in an amount which is not less than that for any member of the sheriff's department.”]
* **Oregon Revised Statute § 204.116** [“Except as otherwise provided by law, the governing body of each county shall fix the compensation of its own members and of every other county officer . . . .”]
* **Oregon Revised Statute § 204.121** [if conflict arises between the provisions in this section and county civil service law, county civil service law trumps]
* **Oregon Revised Statute § 204.126(1)** [“The compensation of any elective county officer shall remain in effect unless changed with the approval of the county budget committee or tax supervising and conservation commission.”]
* **Oregon Revised Statute § 204.126(2)** [“Before any change in the compensation of an elective county officer is effective, it must be submitted to and approved by the county budget committee or tax supervising and conservation commission at a regular meeting or at a special meeting called for that purpose.”]

Contact Information: Association of Oregon Counties (503) 585-8351

**PENNSYLVANIA**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries

Summary: The State classifies counties based on population and sets base salaries for officers in the counties in the classifications. The county commissioners determine salaries of the officers, as long as the salaries do not fall below the State’s base rate and as long as it is not an election year for the county commissioners.

Relevant Constitutional Provisions:

* **Pennsylvania Constitution art. IX, § 4** [“County officers shall consist of commissioners, controllers or auditors, district attorneys, public defenders, treasurers, sheriffs, registers of wills, recorders of deeds, prothonotaries, clerks of the courts, and such others as may from time to time be provided by law. . . . County officers shall be paid only by salary as provided by law for services performed for the county or any other governmental unit. . . . Three county commissioners shall be elected in each county. . . . Provisions for county government in this section shall apply to every county except a county which has adopted a home rule charter or an optional form of government. . . .”]
* **Pennsylvania Constitution art. III, § 27** [“No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.”

Relevant Statutory Provisions:

* **Title 16 Pennsylvania Statute § 211** [counties are classified based on population]
* **Title 16 Pennsylvania Statute § 11011** [“The schedule of salaries fixed by this act,and the act to which this is a supplement, shall not be altered or changed by the increase or decrease of the population of the county, as shown by any national census, but the same shall be and remain as fixed by law, notwithstanding such increase or decrease of population, until altered by act of assembly.”]
* **Title 16 Pennsylvania Statute § 11011-1** [sets base salaries of county commissioners]
* **Title 16 Pennsylvania Statute § 11011-2** [sets base salaries of county sheriff]
* **Title 16 Pennsylvania Statute § 11011-3** [sets base salaries of county treasurer]
* **Title 16 Pennsylvania Statute § 11011-4** [sets base salaries of county auditor]
* **Title 16 Pennsylvania Statute § 11011-5**[“The district attorney of a city and county of the first class shall be compensated at one thousand dollars ($1,000) lower than the compensation paid to a judge of a court of common pleas.”]
* **Title 16 Pennsylvania Statute § 11011-6** [sets base salaries of county recorder of deeds]
* **Title 16 Pennsylvania Statute § 11011-7** [sets base salaries of county register of wills]
* **Title 16 Pennsylvania Statute § 11011-9** [sets base salaries of county coroner]
* **Title 16 Pennsylvania Statute § 11011-10.1(a)** [county commissioners have power to fix salary of all county officers]
* **Title 16 Pennsylvania Statute § 11011-10.1(b)** [process of setting salary: give notice and have special public meeting held at specified times, in a location centrally located in the county]
* **Title 16 Pennsylvania Statute § 11011-10.1(c)** [county commissioners cannot set salaries below the limits listed in the statutes]
* **Title 16 Pennsylvania Statute § 11011-10.1(c)** [county commissioners cannot set salaries below the limits listed in the statutes]
* **Title 16 Pennsylvania Statute § 11011-10.1(d)** [county commissioners cannot adopt a new salary schedule for calendar year in which they are elected]
* **Title 16 Pennsylvania Statute § 11011-10.1(e)** [“Any salary increase shall be on a percentage basis and applied equally to all county officials . . . .”]
* **Title 16 Pennsylvania Statute § 1623** [board of commissioners fixes the compensation of all appointed county officers paid out of the county treasury]

Contact Information: County Commissioners Association of Pennsylvania (717) 232-7554

**SOUTH CAROLINA**

Method: Salaries Fixed by County Legislative Body

Summary: South Carolina is a home rule state, and counties have authority to choose the type of government it wants to adopt. Counties also given deference to set and adjust county officers’ salaries.

Relevant Statutory Provisions:

* **South Carolina Code § 4-9-20** [Counties have option to the form of government to adopt: council form; council-supervisor form; council-administrator form; council-manager form; board of commissioners form]
* **South Carolina Code § 4-9-30(9)** [“The salary of those officials elected by the people may be increased but may not be reduced during the terms for which they are elected, except that salaries for members of council and supervisors under the council-supervisor form of government must be set as provided in this chapter;”]
* **South Carolina Code § 4-9-100** [“After adoption of a form of government as provided for in this chapter, council shall by ordinance prescribe the salary and compensation for its members. After the initial determination of salary, council may by ordinance adjust the salary but the ordinance changing the salary is not effective until the date of commencement of terms of at least two members of council elected at the next general election following the enactment of the ordinance affecting the salary changes at which time it will become effective for all members. A chairman of a county council who is assigned additional administrative duties may receive additional compensation as the council may provide. . . . The restriction on salary changes does not apply to supervisors under the council-supervisor form of government whose salaries may be increased during their terms of office but supervisors shall not vote on the question when it is considered by council.”]

Contact Information: South Carolina Association of Counties (803) 252-7255

**SOUTH DAKOTA**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries

Summary: The State sets base salaries based on population of the county. The county board of commissioners determines the salaries of the officers, as long as salary is more than the State’s minimum.

Relevant Statutory Provisions:

* **South Dakota Codified Laws § 7-7-3** [“The method of payment, whether per diem or salary, and the amount of per diem or salary shall be determined by the board of county commissioners in each county. . . .”]
* **South Dakota Codified Laws § 7-7-5** [board of county commissioners may determine the salaries of the commissioners; if board fails to do so, the statute sets salaries based on population of the county]
* **South Dakota Codified Laws § 7-7-8** [“The annual salaries of the county auditor, the county treasurer, and the register of deeds of the several counties of this state shall be regulated and fixed by the population of the several counties as shown by the last federal census.”]
* **South Dakota Codified Laws § 7-7-9.1** [sets minimum salaries payable to county treasurer, county auditor, and county register of deeds based on population; county commissioners establish salary and may not decrease the salary] (this section was amended in 2013 to adjust for raises in minimum salaries)
* **South Dakota Codified Laws § 7-7-12** [sets minimum salary payable to state’s attorney based on population; board of commissioners may not decrease salary of state’s attorney during consecutive terms of office of the state’s attorney]
* **South Dakota Codified Laws § 7-7-15** [sets minimum salary payable to sheriffs based on population; board of commissioners may not decrease salary of sheriff during consecutive terms of office of the sheriff]
* **South Dakota Codified Laws § 7-14-15** [Board of county commissioners set salary of coroner]

Contact Information: South Dakota Association of County Commissioners (605) 224-4554

**TENNESSEE**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries

Summary: The State sets minimum salaries based on population. The county legislative body determines the salary of the officer and may increase or decrease the compensation so long as the compensation remains above the State’s minimum level.

Relevant Statutory Provisions:

* **Tennessee Code § 5-5-102** [county legislative body may be composed of no fewer than 9 members but no more than 25, this legislative body is known as the board of county commissioners]
* **Tennessee Code § 5-5-107** [county legislative bodies may fix the compensation of their membership, subject to minimum requirements set by the State]
* **Tennessee Code § 8-24-102** [sets minimum salary schedules of officers (“general officers”) based on population; every year, the minimum compensation for county officials is increased by a dollar amount equal to the “average annualized general increase in state employees’ compensation”]
* **Tennessee Code § 8-24-102(e)** [salary for county mayor must be at least 5% higher than the general officers]
* **Tennessee Code § 8-24-102(g)** [salary for sheriff and chief administrative officer of the county highway must be at least 10% higher than the general officers; county legislative body may increase or decrease the compensation of the chief administrative officer of the county highway so long as compensation remains above the minimum level]
* **Tennessee Code § 8-24-102(h)** [general officers are paid same salary]
* **Tennessee Code § 8-24-102(i)** [“county legislative body of each county may increase or decrease compensation of county officials so long as the compensation is maintained at, or above, the minimum levels established herein”]
* **Tennessee Code § 8-24-102(j)** [county clerk may receive additional salary for additional duties]

Contact Information: Tennessee County Services Association (615) 532-3767

**TEXAS**

Method: Salaries Fixed by County Legislative Body

Summary: The county commissioners court sets the amount of compensation of the officers in the county. Each county has a salary grievance committee composed of nine members (county judge plus either other elected officers or public voting members). Officers aggrieved by salary changes can request a hearing with the grievance committee prior to the approval of the county’s budget and within certain time limitations set by statute. If six or more members of grievance committee vote to recommend an increase in the officer’s salary, the committee shall submit its recommendations to the commissioners court. If nine members vote to increase salary, the commissioner must include the increase in the budget before the budget is filed.

Relevant Constitutional Provision: **Texas Constitution art. XVI, § 61** [Commissioners Court authorized to determine whether officers are compensated on fee basis or a salary basis; certain officers must be paid a salary basis]

Relevant Statutory Provisions:

* **Texas Local Government Code § 152.001** [officers are paid out of the general fund of the county]
* **Texas Local Government Code § 152.002** [officer may donate salary to the county]
* **Texas Local Government Code § 152.011** [“The commissioners court of a county shall set the amount of the compensation, office and travel expenses, and all other allowances for county and precinct officers and employees who are paid wholly from county funds.”]
* **Texas Local Government Code § 152.013** [“Each year the commissioners court shall set the salary, expenses, and other allowances of elected county or precinct officers. . . .” (describes the procedures)]
* **Texas Local Government Code § 152.014** [every county has a salary grievance committee composed of the county judge and officers of the county or nine public members, decided by the commissioners court]
* **Texas Local Government Code § 152.015** [sets process of selecting members to serve on salary grievance committee; member serves until the end of the fiscal year or when the committee takes a final vote to last grievances]
* **Texas Local Government Code § 152.016(a)** [officer aggrieved by setting of officer’s salary or expenses may request a hearing with grievance committee before county budget is approved, request must be: 1-in writing, 2-be delivered to committee chairman in a certain time period, and 3-state the desired change in salary or expenses]
* **Texas Local Government Code § 152.016(b)** [the committee holds the hearing no later than 10 days after the date of the request is received or the date the commissioners court selects public members of the committee]
* **Texas Local Government Code § 152.016(c)** [“If, after the hearing, six or more of the members vote to recommend an increase in the officer's salary or personal expenses, the committee shall submit its recommendation to the commissioners court in writing. If six to eight members vote to recommend the increase, the commissioners court shall consider the recommendation at its next meeting. If nine members vote to recommend the increase and sign the recommendation, the commissioners court shall include the increase in the budget before the budget is filed and the increase takes effect in the next budget year.”]
* **Texas Local Government Code § 152.016(d)** [“The committee's authority is ***limited*** to the consideration of increases in the salaries or personal expenses of county and precinct officers. The committee may not set policy of the county or add new items to a proposed county budget.”]
* **Texas Local Government Code § 152.0165** [“An elected county or precinct officer may not file suit regarding the officer's salary or personal expenses unless a hearing has been requested and held under Section 152.016.”]
* **Texas Local Government Code § 152.017** [Section 152 does not apply to the county judge, presiding judge of the commissioners court in counties with population over 3.3 million, district attorney and attorney’s assistants paid wholly with state funds, county auditor, county purchasing agent (and assistants), and certain people employed under a section in the Code of Criminal Procedure]
* **Texas Local Government Code § 152.031** [county auditor’s salary is determined by district judges of county, set by majority of vote]
* **Texas Local Government Code § 152.904** [sets provisions for the compensation of county judges in certain counties]
* **Texas Local Government Code § 152.905** [sets procedure for setting auditor’s compensation by the district judges]

Contact Information: Texas Association of Counties (512)-478-8753

**UTAH**

Method: Salaries Fixed by County Legislative Body

Summary: The county legislative body has authority to determine salaries of county officers, as long as the legislative body holds a public hearing and gives effected officer the opportunity to be heard.

Relevant Statutory Provisions:

* **Utah Code § 17-16-14** [“The annual salaries of the officers of all counties in the state shall be fixed by the respective county legislative bodies, provided no changes shall be made in existing salaries of county officers until the county legislative body in a county desiring to change existing salaries of county officers shall first hold a public hearing at which all interested persons shall be given an opportunity to be heard.”]
* **Utah Code § 17-16-18** [salaries may be paid either monthly, semi-monthly, or bi-weekly, determined by county legislative body and paid out of the county general fund]

Contact Information: Utah Association of Counties (801) 265-1331

**VERMONT**

Method: Salaries Fixed by State Legislature

Summary: The State sets fixed compensation for officers. State lists the 2012 and 2013 salaries for specific officers in each county.

Relevant Statutory Provisions:

* **Vermont Statute tit. 32, § 1182** [fixes salaries of the sheriffs]
* **Vermont Statute tit. 32, § 1183** [fixes salaries of state’s attorneys]
* **Vermont Statute tit. 32, § 1141** [fixes salaries of assistant judges of superior court]
* **Vermont Statute tit. 32, § 1142** [fixes salaries of county probate judge]
* **Vermont Statute tit. 32, § 1142** [fixes salaries of county probate judge]

**VIRGINIA**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries (State utilizes state-level Compensation Board)

Summary: The State legislature sets minimum salaries that must be paid to the county Constitutional Officers of the local government. These funds are reimbursed by the State Compensation Board. The counties have the authority to supplement these salaries, paid with local funds. The Compensation Board determines what funds and positions are available for each Constitutional Officer. All Constitutional Officers may appeal a Board’s decision by requesting a hearing in front of a three judge panel.

Relevant Statutory Provisions:

* **Virginia Code § 15.2-1605.1** [“Notwithstanding any other provision of law, the governing body of any county or city, in its discretion, may supplement the compensation of the sheriff, treasurer, commissioner of the revenue, director of finance, clerk of the circuit court, or attorney for the Commonwealth, or any of their deputies or employees, above the salary of any such officer, deputy or employee, in such amounts as it may deem expedient. Such additional compensation shall be wholly payable from the funds of any such county or city”]
* **Virginia Code § 15.2-1605.2** [“In every locality of this Commonwealth, whenever the Compensation Board shall provide salary increases, including but not limited to cost-of-living increases, whether specifically for constitutional officers and their assistants or deputies or for the general compensation to be paid in the aggregate to a constitutional officer, pursuant to any statutory or other authority, no locality shall use such reimbursement for any purpose other than salary during the fiscal year. A locality shall distribute such salary in appropriate proportions to its constitutional officers and their assistants or deputies.”]
* **Virginia Code § 15.2-1608.2** [salaries for county treasurer are fixed based on population]
* **Virginia Code § 15.2-1609.2** [salaries for sheriffs are fixed based on population]
* **Virginia Code § 15.2-1609.7** [State pays compensation of sheriffs]
* **Virginia Code § 15.2-1627.1** [salaries for attorneys of the commonwealth based fixed based on population]
* **Virginia Code § 15.2-1636.1** [salaries for county commissioners of revenue based fixed based on population]
* **Virginia Code § 15.2-1636.5** [“The Compensation Board shall consist of the Auditor of Public Accounts, the State Tax Commissioner, as ex officio members, and one member, who may or may not be an officer or employee of the Commonwealth, who shall be appointed and designated as chairman of the Board by the Governor and who shall hold office at the pleasure of the Governor. The ex officio members of the Board shall not receive any compensation for their services as such members. The member designated by the Governor as chairman shall receive such compensation as shall be fixed by law.”]
* **Virginia Code § 15.2-1636.7** [officers file a written request for expenses and salaries with chairman of the Compensation Board; chairman may inquire facts about officer’s duties to see if allowance is necessary]
* **Virginia Code § 15.2-1636.8** [compensation board determines funds and positions available to each group of officers; Compensation board adopts staffing standards to determine number of positions and salaries of the officers]
* **Virginia Code § 15.2-1636.9** [officers may appeal decision of Compensation Board by requesting a 3 judge panel to review and act upon the Compensation Board’s decision]
* **Virginia Code § 15.2-1636.9** [State reimburses local governments for State’s share of salaries; Compensation Board may make advanced payments]

Contact Information: Virginia Association of Counties (804) 788-6652

**WASHINGTON**

Method: State Sets Base Salaries, County Legislative Body Determines Salaries

Summary: The State sets minimum salaries payable to county officials based on the county’s population. The county legislative body has the authority to establish the salaries for the county officials. A county may use a salary commission to determine salaries for county commissioners and council members. These salary commissions are made up of ten people, appointed by the county auditor and the commissioners. The members of this commission are required to be familiar in fields relating to labor management.

Relevant Constitutional Provisions:

* **Washington Const. art. XI, § 8** [salary of county officer cannot be diminished after officer’s election or term of office]
* **Washington Const. art. XXX, § 1** [salary of county officer can be increased during officer’s term in office]

Relevant Statutory Provisions:

* **Revised Code of Washington 36.17.020** [county legislative authority is authorized to establish the salaries of the elected officials in the county; state sets minimum salaries based on population of county]
* **Revised Code of Washington 36.17.024** [Salaries for county commissioners and councilmembers may be set by county commissioner and councilmember salary commissions . . . .”; these commissions consist of 10 members appointed by county commissioner and approved by legislative body; any increases or decreases in salary take effect at any time]
* **Revised Code of Washington 36.17.024(2a)** [county auditor may choose 6 members of commission; sets procedures]
* **Revised Code of Washington 36.17.024(2b)** [other 4 members chosen by board of commissioners and those chosen must work in the following four sectors in the county: Business, professional personnel management, legal profession, and organized labor (must have experience in labor management)]
* **Revised Code of Washington 36.17.024(2d)** [term limit of two terms for each member; members may be removed]
* **Revised Code of Washington 36.17.024(2e)** [members cannot include any official of the county or their immediate family members]
* **Revised Code of Washington 36.17.040** [provisions regarding how salaries are paid; salaries paid out of the county treasury]

Contact Information: Washington Association of County Officials (360) 753-7319

**WEST VIRGINIA**

Method: Salaries Fixed by State Legislature

Summary: The State classifies counties based on the county’s assessed valuation of property. The State fixes salaries of each officer in each classification.

Relevant Constitutional Provision: **West Virginia Constitution art. IX, § 6** [state determines compensation of officers]

Relevant Statutory Provisions:

* **West Virginia Code § 7-7-3** [counties are classified based on their assessed valuation of property]
* **West Virginia Code § 7-7-3** [state fixes salaries for county commissioners, sheriff, county clerk, circuit clerk, assessor, and prosecuting attorney based on county’s classification]
* **West Virginia Code § 7-7-6(a,b,c)** [county assessor entitled to addition compensation]

Contact Information: County Commissioners’ Association of West Virginia (304) 345-4639

**WISCONSIN**

Method: Salaries Fixed by County Legislative Body

Summary: The board of supervisors in each county has authority to determine salaries of the county officers.

Relevant Statutory Provisions:

* **Wisconsin Statute § 59.10** [sets provisions for county boards; sets maximum number of supervisors on the county boards based on county’s population; board determines supervisors’ compensation]
* **Wisconsin Statute § 59.17** [county boards of counties with an executive (counties over 500,000) determine salary of county executive]
* **Wisconsin Statute § 59.18** [county boards of counties with an administrator determine salary of county administrator]
* **Wisconsin Statute § 59.22(1)** [county board determines total annual compensation of each county officer; compensation may be established by resolution or ordinance, on a basis of straight salary, fees, or part salary and fees (sheriff must have a straight salary); compensation cannot be increased or decreased during officer’s term]
* **Wisconsin Statute § 59.22(2)** [county board has authority to “fix or change the salary or compensation of any office, board, commission, committee, position, employee or deputies to elective officers . . ., [e]stablish the number of employees in any department . . ., [e]stablish regulations of employment for any person paid from the county treasury.”]

Contact Information: Wisconsin Counties Association (608) 663-7188

**WYOMING**

Method: State Sets a Minimum and Maximum Salary; County Legislative Body Determines Salary

Summary: The State sets maximum and minimum salaries that can be paid to county officials. The county commissioners determine the salary of the officials within the State’s limits.

Relevant Constitutional Provision: **Wyoming Constitution art. XIV, § 3** [“The legislature shall by law designate county offices and shall, from time to time, fix the salaries of county officers, which shall in all cases be in proportion to the value of the services rendered and the duties performed.”]

Relevant Statutory Provisions:

* **Wyoming Statute § 18-3-105** [“Whenever any county officer is required to perform the official duties of any other officer of this state he shall have for that time the same powers given by law to the officer whose duties he performs and shall receive the same compensation for his services.”]
* **Wyoming Statute § 18-3-107(a)** [sets minimum and maximum salary for county assessor, part -time county and prosecuting attorneys, part-time county attorneys, county clerk, clerk of district court, county sheriff county treasurer, and full-time county attorney; salaries paid in equal monthly installments; county commissioners set the salaries, which cannot be changed during officer’s term of office]
* **Wyoming Statute § 18-3-107(b)** [officers cannot receive additional funds or salary]
* **Wyoming Statute § 18-3-107(c)** [county commissioners paid according to amount adopted by board of county commissioners in a resolution]
* **Wyoming Statute § 18-3-107(d)** [commissioners must meet every four years to set their salaries]
* **Wyoming Statute § 18-3-107(e)** [those appointed under officers may receive no less than 20% for salary of what officer makes]
* **Wyoming Statute § 18-3-107(f)** [State pays 50% of salary of the county and prosecuting attorney]
* **Wyoming Statute § 18-3-108** [salaries are paid in equal monthly installments]

Contact Information: Wyoming County Commissioners Association (307) 632-5409

\*The local governments of Connecticut and Rhode Island are municipally-focused. Counties in Connecticut and

**Table 1 – 50 State Compensation Methods**

|  |  |
| --- | --- |
| **State** | **Method** |
| Alabama | "Hybrid" State |
| Alaska | Salaries fixed by Borough |
| Arizona | Salaries fixed by State |
| Arkansas | State sets max and min salary, county fixes salary |
| California | Salaries fixed by County |
| Colorado | Salaries fixed by State |
| Connecticut | Municipal System of Government |
| Delaware | Salaries fixed by County |
| Florida | Salaries fixed by State |
| Georgia | State sets base, county fixes salaries |
| Hawai'i | Salaries fixed by County |
| Idaho | Salaries fixed by County |
| Illinois | "Hybrid" State |
| Indiana | Salaries fixed by County |
| Iowa | Salaries fixed by County |
| Kansas | Salaries fixed by County |
| Kentucky | State sets max salary, county fixes salaries |
| Louisiana | State sets max salary, county fixes salaries |
| Maine | Salaries fixed by County |
| Maryland | "Hybrid" State |
| Massachusetts | Salaries fixed by State |
| Michigan | Salaries fixed by County |
| Minnesota | Salaries fixed by County |
| Mississippi | Salaries fixed by State |
| Missouri | "Hybrid" State |
| Montana | Salaries fixed by County |
| Nebraska | State sets base, county fixes salaries |
| Nevada | State sets base, county fixes salaries |
| New Hampshire | Salaries fixed by County |
| New Jersey | Salaries fixed by County |
| New Mexico | Salaries fixed by State |
| New York | Salaries fixed by County |
| North Carolina | Salaries fixed by County |
| North Dakota | State sets base, county fixes salaries |
| Ohio | Salaries fixed by State |
| Oklahoma | State sets max and min salary, county fixes salary |
| Oregon | Salaries fixed by County |
| Pennsylvania | State sets base, county fixes salaries |
| Rhode Island | Municipal System of Government |
| South Carolina | Salaries fixed by County |
| South Dakota | State sets base, county fixes salaries |
| Tennessee | State sets base, county fixes salaries |
| Texas | Salaries fixed by County |
| Utah | Salaries fixed by County |
| Vermont | Salaries fixed by State |
| Virginia | State sets base, county fixes salaries |
| Washington | State sets base, county fixes salaries |
| West Virginia | Salaries fixed by State |
| Wisconsin | Salaries fixed by County |
| Wyoming | State sets max and min salary, county fixes salary |

1. W. Va. Const. art. VI, § 33 [↑](#footnote-ref-1)
2. Both WestLaw and Lexus Nexus are research services for lawyers, and both contain databases of statutes, cases, and secondary research material. [↑](#footnote-ref-2)
3. WestLawNext is a research tool in the WestLaw network. [↑](#footnote-ref-3)
4. Texas counties have a grievance committee where aggrieved officer can appeal county government’s salary adjustment decision [↑](#footnote-ref-4)
5. Ohio Code § 325.18 [↑](#footnote-ref-5)
6. This is according to a phone interview with an attorney working for the Ohio Commissioners Association of Ohio. [↑](#footnote-ref-6)
7. Michigan actually has an option to allow county board of commissioners or a compensation commission determine county salaries. See Mich. Comp. Laws § 45.471. [↑](#footnote-ref-7)
8. This is according to a phone interview with an attorney working for the Utah Association of Counties. [↑](#footnote-ref-8)
9. C.R.S. § 64.527 [↑](#footnote-ref-9)
10. *See* Ala. Code §§ 11-2A-1 to 4; § 11-6-1; § 11-7-12; § 40-6A-2 [↑](#footnote-ref-10)
11. *See* Md. Code art. 25, § 51 [↑](#footnote-ref-11)
12. See Ill. ST CH 55 § 5/4-6001 & Ill. ST CH 55 § 5/4-9001 [↑](#footnote-ref-12)
13. *See* Iowa Code § 331.905 [↑](#footnote-ref-13)
14. *See* Mont. Code § 7-4-2503 [↑](#footnote-ref-14)
15. *See* Or. Rev. Stat. § 204.112 & Mich. Comp. Laws § 45.472 [↑](#footnote-ref-15)
16. Or. Rev. Stat. § 204.112 [↑](#footnote-ref-16)
17. Mich. Comp. Laws § 45.472 [↑](#footnote-ref-17)
18. *See* Mont. Code § 7-4-2503 [↑](#footnote-ref-18)
19. This is according to a phone interview with an attorney working for the Iowa State Association of Counties. It should be noted that in Iowa, every reduction of salary has to be in an equal percentage for each officer that gets a reduction. [↑](#footnote-ref-19)
20. *Id*. [↑](#footnote-ref-20)
21. RCW 36.17.024 [↑](#footnote-ref-21)
22. *See* C.R.S. § 30-3-103 [↑](#footnote-ref-22)
23. *Id*. [↑](#footnote-ref-23)
24. *See* http://www.scb.virginia.gov/faqsmenu.cfm [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)
26. Va. Code § 15.2-1636.9 [↑](#footnote-ref-26)